

Martin O'Malley
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Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
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January 4, 2008

Mr. Jeff Torney
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Five Buoys at Rock Creek
S 04-096, P 07-0043

Dear Mr. Torney:

Thank you for forwarding the final submittal for the above referenced subdivision request. It appears that the applicant has addressed most of this office's comments from my September 26, 2007 letter. I have outlined my remaining comments below.

1. This office recommends that the applicant place the area that is shown as conservation easement into a forest conservation easement to ensure that no future development or cutting or clearing will be allowed in this area.
2. COMAR 27.01.02.04.C(3)(c) requires that an area equal to 80% of the existing forested Critical Area on a property that is developed be placed in a conservation easement. Currently, the total area of existing forested Critical Area to be placed in an easement is 2.9 acres, which is only 72.5% of the total existing forested area in the Critical Area. Accordingly, the applicant should set aside additional existing forested area to be included in the easement.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: AA 577-07

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January 4, 2008

Ms. Kelly Krinetz
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Glen Isle/Piera Property
S 07-078, P 07-0229

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced subdivision for review and comment. The applicant proposes to subdivide a 51.94 acre property into 13 new lots with construction of a dwelling on each lot, and a conservation property. 34.78 acres of the property is in the Critical Area and is designated as a Resource Conservation Area (RCA). Within the currently undeveloped RCA, the applicant proposes to create the 10.28 acre lot 13, and the remaining 24.46 acres of RCA is shown as a conservation property. I have outlined my comments below.

1. Maryland Department of Natural Resources Wildlife and Heritage Service's (WHS) October 26, 2007 letter identifies the RCA on this property as possible Forest Interior Dwelling Bird (FIDs) habitat and lists several guidelines for the applicant to follow to minimize development impacts on the FIDs. The applicant states in the Critical Area Report that development of one house in the Critical Area will meet WHS's recommendations. However, the number of houses built is not a consideration mentioned in the guidelines, and it does not appear that the applicant has addressed the considerations that are listed in the guidelines in the proposed development of lot 13. Specifically, the guidelines direct the applicant to minimize the length of driveways to preferably 15 feet, and to concentrate or restrict development to the perimeter of the forest. In contrast with these guidelines, the applicant has sited the proposed dwelling on lot 13 such that it is as far away from the access road and the perimeter of the forest as possible, with what appears to be at least a 700 foot long driveway. This configuration of development creates extensive unnecessary clearing and fragmentation of the canopy on the proposed lot, all of which is currently forested. Accordingly, this office recommends that the proposed development be located closer to Glen Isle Road such that no more than the recommended 15 foot driveway is needed to reach the dwelling. In addition to minimizing forest clearing and impact on FIDs habitat, siting the development closer to the road will also provide that the proposed septic

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area will be moved farther away from the wetlands and other sensitive features on the property.

2. This office recommends that the applicant submit a FIDs worksheet with the next submittal to quantify the proposed impacts to FIDs habitat and the resulting required mitigation.
3. It is unclear what protections are provided by the conservation property designation that is shown on the portion of RCA outside of lot 13. This office recommends that the property be placed in a forest conservation easement to ensure that no further development, or cutting or clearing of the existing forested area will occur on this portion of the property. Additionally, we recommend that the applicant provide tree fencing or signs along the boundaries of the proposed lots outside of the Critical Area where they abut this forest conservation area.
4. Please have the applicant provide the necessary Critical Area information on all the plans, including the Critical Area line, the tidal wetland and non-tidal wetland lines, the 25-foot non-tidal wetland buffer, the 100-foot Buffer from tidal waters, and the expanded Buffer for contiguous steep slopes and hydric soils. We note that the applicant indicates that the expanded Buffer will be shown on the plans at final review, but this office recommends including this information in the next submittal so that any necessary changes can be incorporated into the plan in a timely manner. In particular, it appears that the expansion of the Buffer for contiguous steep slopes may result in an expanded Buffer in the location of the proposed dwelling in the RCA.
5. The plans show a 50-foot Buffer from streams in the Critical Area and instead this should be a 100-foot Buffer.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 417-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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January 7, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: View Point Park Lot 66
Modification # 9788, S 1995-094, P 07-0230

Dear Ms. Krinetz:

Thank you for forwarding the above referenced modification request. The applicant proposes to abandon an existing 9,146 square foot forest conservation easement on an 18,065 square foot lot that was created in 1998, and to create a new 7,050 square foot lot and construct a new dwelling and driveway within the existing forest conservation area. The property is currently developed with a dwelling, driveway, deck and porch and is designated as a Limited Development Area (LDA). I have outlined my comments below.

1. This office reviewed a prior subdivision request for this property that created the 18,065 square foot lot 66A, the 7,425 square foot lot 66B, and the forest conservation easement. In the February 28, 1996 application, the stated purpose for subdividing the then 25,540 square foot lot 66 was to create two conforming lots from an existing non-conforming lot with two existing dwellings. The applicant stated that no disturbance was proposed on the property. At that time, there was 11,475 square feet of forested area on the property. It appears that approximately 80% of this forested area was placed in the permanently protected 9,146 square foot forest conservation easement that exists today, which was consistent with the Critical Area requirements for development within the LDA. In particular COMAR 27.01.02.04.C(3)(c) requires that an area equal to 80% of the existing forested area be placed in a conservation easement. Accordingly, the subdivision was approved. To allow the property to now be further subdivided, more intensely developed, and to be cleared of the permanently protected forested area on which the previous subdivision was based, in order to create an additional development right would be in sharp contrast with the goals of the County's Critical Area Program. Therefore, this office recommends that the request to abandon the forest conservation easement as it relates to fulfillment of previous Critical Area requirements be revisited and the subdivision request be denied.

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2. The existing impervious surface area calculations submitted with the proposed plans conflict with the impervious surface calculations that are recorded on the 1998 plat of lot 66. The 1998 plat shows that there is 1,598 square feet of impervious surface on lot 66A, and 1,493 square feet of impervious surface on lot 66B, which adds up to 12% impervious surface coverage of the 25,490 square foot property, leaving only 732 square feet of additional permitted impervious surface. These numbers do not match what the current applicant shows as an existing 1,664 square feet of impervious surface on lot 66A and an existing 1,145 square feet of impervious surface on lot 66B. It does not appear that the footprint of the existing structures on lots 66A and 66B have changed, so it is unclear why the existing impervious surface calculations would have changed. With the conflicting newly submitted numbers, the proposed 996 square feet of additional impervious surface will not exceed the 15% impervious surface limit on the property. However, according to the existing impervious surface numbers that are recorded on the 1998 plat, the total proposed impervious surface exceeds the 15% limit by 264 square feet, and therefore the applicant would have to seek an impervious surface variance in order to complete the proposed development. This office will not support variances for development of newly created lots. Rather, the County should require any newly platted, non-grandfathered lots to comply with current state and local Critical Area standards, including current impervious surface area limits.
3. It appears that the expanded Buffer for steep slopes extends onto the property and the proposed driveway is within this expanded Buffer. Also, the proposed clearing of the existing forest on the proposed lot is partially within the expanded Buffer. Both activities will require a variance for disturbance within the Buffer. As we mentioned above, it is this office's position that newly created non-grandfathered lots in the Critical Area should not require variances for development. Consequently, this office will not support future variances required for development of this proposed lot. We strongly recommend that the proposed lot not be platted.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 727-07

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January 7, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Robin Property, 2996 Friends Rd.
Modification # 9796, G 0201298

Dear Ms. Krinetz:

Thank you for forwarding the above referenced modification request for disturbance within a 25-foot buffer to steep slopes. The applicant proposes to remove an existing poolhouse, driveway and walkway on an existing lot, and to construct a new dwelling. The 7,827 square foot property is currently developed with the above described uses, is designated as an Intensely Developed Area, and is mapped as a Buffer Management Area. This office does not oppose the requested modification, so long as the applicant addresses the comments below:

1. The majority of the lot and the proposed development are located in the 100-foot Buffer. Because the property is designated as a Buffer Management Area, the applicant does not have to seek a variance for the proposed Buffer disturbance, but must provide mitigation for the total proposed area of disturbance within the Buffer at a 2:1 ratio. We note that this requirement is different than what the applicant has described, in that the applicant states 2:1 mitigation is required for the ultimate impervious footprint in the Buffer. In contrast, the applicant must provide mitigation for the total area of Buffer disturbance which includes the total area that is graded, cleared or developed with a building footprint, and this may be greater than the area that is ultimately covered with impervious surface. These mitigation plantings should be provided in the Buffer to the extent feasible, and it appears that there is additional room for plantings along the proposed shoreline according to the currently proposed planting plan.
2. Because the property is mapped as IDA, the applicant must demonstrate how it will address the 10% pollutant reduction requirement. Any variance approval should be conditioned upon satisfactory compliance with the requirements of the 10% Rule.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Ms. Krintez
January 7, 2008
Page Two

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber', with a stylized flourish at the end.

Amber Widmayer
Natural Resources Planner

cc: AA 728-07

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January 8, 2008

Ms. Pam Cotter
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Ambar, LLC V-2007-0426

Dear Ms. Cotter:

Thank you for forwarding the above-mentioned variance application. The applicant proposes to remove an existing commercial building and construct a new commercial building and two parking lots on an existing 1.23 acre lot with 4,752 square feet of disturbance to non-tidal wetlands and their buffers. The property is classified as an Intensely Developed Area (IDA).

This office does not oppose the granting of this variance request, provided the applicant completes the required wetland creation mitigation as determined by Maryland Department of the Environment (MDE). We note that the applicant states in the Critical Area report that the proposed stormwater management, which will be done with grass swales, will meet the Critical Area's IDA pollutant removal requirement and the stricter County stormwater management standards. However, in a previous letter to the applicant in response to the applicant's site plan application, this office requested that the applicant demonstrate how the 10% pollutant removal requirement will be met for development of this property by completing and submitting the 10% pollutant reduction calculations for this office's review. It does not appear that these calculations are included with the materials the applicant submitted for the variance application. Accordingly, we recommend that if the applicant's variance is granted, it be conditioned on the applicant's submission of the 10% calculations for the proposed project, and on this office's confirmation that the 10% pollutant requirement will be satisfactorily addressed for this site.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: AA 754-07

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January 10, 2008

Ms. Judy Cole
Water Management Administration
Nontidal Wetlands and Waterways Division
Maryland Department of the Environment
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230

Re: 07-NT-0289/200763669
Butler SFD & Access Road, AA County

Dear Ms. Cole:

Thank you for forwarding information on the above mentioned nontidal wetland permit application. The applicant proposes to create 5,936 square feet of disturbance to nontidal wetlands and 3,792 square feet of disturbance to the 25-foot nontidal wetland buffer for construction of a road and a single family dwelling. The applicant's property is a 44,720 square foot grandfathered lot, 33,232 square feet of which are tidal wetlands. The property is currently undeveloped, it is entirely within the Critical Area and it is designated as a Resource Conservation Area (RCA). The proposed road is designated as a Limited Development Area (LDA) and is also currently undeveloped. In a September 13, 2007 letter to Anne Arundel County, I outlined this office's concerns regarding several types of impacts to the Critical Area that would result from the proposed development. In the comments below, I have outlined this office's concerns regarding the proposed development specifically in the context of the proposed nontidal wetland disturbance.

- 1) We recommend that the applicant combine the buildable area of lot 13 and the adjacent lot 14, which is also owned by the applicant. While the applicant has indicated that the lots are technically not titled in the same way, in practical terms, there is common ownership of the lots and it seems that the applicant could merge the lots to minimize the proposed and potential wetland disturbance. For instance, if lots 13 and 14 were merged, it would be possible to reconfigure and reposition the proposed dwelling such that it would be parallel to the shoreline as opposed to the current perpendicular position, which would provide a greater Buffer between

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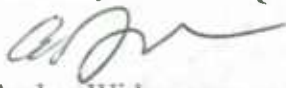
Ms. Cole
January 10, 2008
Page 2 of 2

the dwelling and the tidal wetlands. Additionally, if both lots 13 and 14 were used for the proposed dwelling, the dwelling could be located closer to the existing road, which would in turn reduce the required length of new road to connect to the proposed dwelling. If a shorter road was constructed, this would reduce the total area of nontidal wetland disturbance. Constructing the proposed dwelling on lots 13 and 14 will also provide that no further clearing or filling of the nontidal wetlands on these properties will be required for the otherwise potential development of an additional dwelling and driveway.

- 2) If both lots 13 and 14 are not used for construction of the proposed dwelling, it appears that the size of the proposed dwelling could be reduced in order to further reduce the extent of the proposed nontidal wetland and nontidal wetland buffer impacts.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 495-07
Pam Cotter

Martin O'Malley
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January 10, 2008

Mr. Bill Love
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Carlow, Charles
S 06-032, P 06-135

Dear Mr. Love:

Thank you for forwarding the above-referenced revised subdivision application. The applicant proposes to subdivide an existing parcel into two lots, and to construct a dwelling on one of the parcels. The property is designated as a Limited Development Area (LDA) and as a Resource Conservation Area (RCA). It appears that the applicant has addressed this office's comments from my October 2, 2007 letter. I have included my remaining comments below.

- 1) This office recommends that the entire area of RCA on lot 2 be placed in a forest conservation easement.
- 2) Additionally, we recommend that the applicant add a notation to the plat that no further impervious surface area is allowed on lot 2.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: AA 753-06

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January 11, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Solley Heights Lots 46 & 46A/Caulfield Property
Modification #9802, P 07-0242, S 1974-116

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the proposed four lot subdivision.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 747-07

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January 11, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: US Navy Pax River Solomon's Annex Building Demolition Plan
Calvert County

Dear Mr. Ghigiarelli:

This office has received the above-referenced project for review and comment. The project is the demolition and removal of four existing buildings and the surrounding paved areas, which will result in a .25 acre impervious surface area reduction on the site. The project site is located within the Critical Area.

Commission staff have reviewed the application materials and it does not appear that the project proposes any new impervious surfaces, any disturbance within the 100-foot Buffer, or any clearing of forested areas. The applicant has submitted the 10% calculations for the project and there is no pollutant removal requirement. If any tree clearing is necessary for the project, it should be mitigated at a 1:1 ratio.

Based on our review of this project, Commission staff finds this application to be consistent with the goals and objectives of the Critical Area Law and Criteria.

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: FED 69-07
Blaine Linkous

Martin O'Malley
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January 11, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: US Army Corps of Engineers Dredged Material Site
Wicomico County

Dear Mr. Ghigiarelli:

This office has received the above-referenced project for review and comment. The project consists of the clearing of approximately 38 acres of existing forested area for construction of a dredged material disposal site. It appears that a portion of proposed site is in the Critical Area, is designated as a Resource Conservation Area (RCA) and that the property is privately owned.

If the proposed facility is constructed within what appears to be the RCA portion of the property, the development must meet Wicomico County's Critical Area program requirements for development, including the 15% impervious surface limit, 20% forest clearing limitations, and allowable uses within the RCA. These percentages are determined based on the total area of the property that is within the RCA, rather than on the acreage of the entire property. Wicomico County's Critical Area program enumerates the land uses that are allowed within the RCA and it does not seem that a new dredged material facility falls under any of the listed uses. Accordingly, the facility should be located outside of the RCA.

It appears that the proposed site is also Forest Interior Dwelling Bird (FIDs) habitat which is subject to additional development restrictions that are described in this office's [A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area](#), available on the Commission's website at the link below:
<http://www.dnr.state.md.us/criticalarea/guidancepubs/index.html>.

Mr. Ghigiarelli
January 11, 2008
Page 2 of 2

In addition to meeting these development guidelines, the applicant must submit a FIDs worksheet to quantify the proposed impacts and required mitigation for the impacts to the FIDs habitat.

Based on our review of this project, it does not appear that the proposed dredged material facility will be consistent with the goals and objectives of the Critical Area Law and Criteria, and consequently, this office recommends that the facility be sited in another location.

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: FED 70-07
Ray C. Dintaman, Jr., Director, Environmental Review Unit, MDDNR
Christina E. Correale, Chief, Operations Division, US Army Corps of Engineers

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January 14, 2008

Mr. Jimmy Sharp
Wicomico County
Department of Planning, Zoning, and Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: Patrick's Landing Subdivision

Dear Mr. Sharp:

Thank you for forwarding the above mentioned subdivision application. The project is for the subdivision of several existing parcels totaling 22.73 acres into a 16-lot subdivision with new construction of a single family home on 14 of the proposed lots. It appears that all of the proposed lots are within the 22.73 acre portion of the property that is within the Critical Area. The property is currently designated as a Limited Development Area (LDA) and is developed with three dwellings, a bulkhead, and several outbuildings. I have outlined my comments below.

1. While the Critical Area report states that the applicant proposes to create a 16-lot subdivision, the plans show 18 proposed lots. Also, there are two lots numbered 5, two lots numbered 6 and two lots numbered 7. Please have the applicant clarify how many lots are intended to be created and correct the numbering of the lots.
2. According to Maryland Department of Natural Resources Wildlife and Heritage Service's (WHS) letter, the wetlands on the property are suitable habitat for two rare plants including Pumpkin Ash and Seaside Alder, and have been found and documented in close proximity to the property. Therefore, we recommend that the applicant do a survey of the property for those species and work with WHS to develop and submit a conservation plan for protection of those species on the property as necessary.
3. Please have the applicant provide a soils map for the property to determine whether the 100-foot Buffer needs to be expanded for hydric soils on part of the property. Also, it appears that the Buffer may need to be expanded for contiguous steep slopes.
4. Please confirm that the 100-foot Buffer has been drawn based on a field delineated tidal and non-tidal wetland survey on the property. Also, confirm that any acreage that is tidal

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wetlands has not been included in the total Critical Area acreage for purposes of calculating the permitted impervious surface area.

5. This office recommends that the applicant amend the proposed lot lines that extend through the Buffer to the shoreline, and place the 100-foot Buffer in a forest conservation easement. It appears that with the currently proposed lot configuration, five new riparian rights will be created such that five new piers could be constructed, which would create five times the number, movement and activities of persons in the Critical Area Buffer. We note that in the Critical Area report, the applicant describes deed covenants and restrictions that will protect the Buffer, but it not clear what these are. Please have the applicant provide details as to what protections are proposed or required within the Buffer by the County when new riparian lots are created. In order to provide the proposed lot owners with riparian access while minimizing new impacts within the Buffer, we recommend the use of a community pier and placing the land within the 100-foot Buffer in a forest conservation easement.
6. Please have the applicant provide the existing and proposed impervious surface area for the subdivision and show the proposed building footprints and limits of disturbance on the plans. The total impervious surface area for the subdivision may not exceed 15% and this calculation must include the area of the proposed roads.
7. We note that when showing the proposed building footprints and limits of disturbance as requested above, no structures or limits of disturbance should be shown within the Buffer. The applicant will have to seek and obtain a variance for any proposed disturbance on lots within the 100-foot and expanded Buffer, including proposed grading, clearing and building footprints and this office will not support variances that are required for the development of newly created non-grandfathered lots.
8. Please have the applicant provide the forest calculations within the Critical Area, including the amount of proposed clearing within the Critical Area, and the amount of forested area that will be preserved within the Critical Area. §125-20(F)(5)(c) of Wicomico County's Critical Area Resource Protection Chapter limits clearing to 20% of the existing forested area within the Critical Area portion of the property, and requires the remaining 80% of forest cover to be maintained through the use of appropriate instruments, such as forest conservation easements that are recorded with the County. Mitigation plantings must be provided at a 1:1 ratio for clearing up to 20% of the existing forested area in the Critical Area, and if the applicant receives permission to clear more than 20% (up to 30%), the total cleared area must be mitigated at a 1.5:1 ratio. These plantings should be provided onsite since it appears there is ample space to do so on the property, and the planting areas should be placed in a forest conservation easement.
9. Please have the applicant clarify whether all of the existing forested area on proposed lots 5, 9, and 10 will be cleared. It appears that the proposed dwellings could be sited on these lots such that no forest clearing would be required, and we recommend that the applicant amend the plans to do so if necessary.

Mr. Sharp
January 14, 2008
Page 3 of 3

10. Wicomico County's Critical Area program §125-45.B(3) provides, "where a tract of land bordering tidal water, tidal wetlands or tributary streams in the Critical Area is to be subdivided and a special Buffer area has not been established, a Buffer of at least 100 feet shall be established in natural vegetation." Please have the applicant submit a Buffer management plan for reestablishment of the Buffer in accordance with this requirement.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: WI 756-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
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January 15, 2008

Mr. Jimmy Sharp
Wicomico County
Department of Planning, Zoning, and Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: St. Frances De Sales Parish Center

Dear Mr. Sharp:

I have received a revised site plan for the above mentioned proposed project. The project is for the expansion of an existing church and school on an 8.65 acre property. The site is within the Critical Area and is designated as an Intensely Developed Area (IDA). I have outlined my comments below.

1. As requested by this office, the applicant has provided additional details with reference to the proposed underground storage stormwater treatment device. The applicant has stated that the pollutant removal efficiency rate of the device is 20% instead of 50%. Additionally, the applicant is providing additional bioretention areas to make up for the adjusted pollutant removal efficiency rate provided by the underground storage device, and there are currently 18 proposed bioretention areas. These proposed stormwater treatment measures will be sufficient to address the required 10% pollutant removal requirement for this project.
2. Because the proposed development will be completed in phases, we recommend that the certificate of occupancy and final approval by the City be subject to confirmation that all 18 bioretention areas have been constructed according to the plans, and that an agreement for regular maintenance of the underground storage stormwater treatment device is in place.
3. We recommend that the applicant provide a greater variety of plantings in the larger bioretention areas that are not within parking islands. Specifically, we recommend that the applicant provide larger trees at the edges of the areas, some smaller trees throughout, and a variety of herbaceous plants between the proposed shrubs to enhance the extent and diversity of vegetative coverage within the bioretention areas. For guidance in selecting suitable herbaceous plant species, we recommend that applicant refer to the list of native plants that can be used in bioretention areas found in the Maryland Department of the Environment's stormwater manual.

Mr. Sharp
January 14, 2008
Page 2 of 2

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'AW', is written over the word 'Sincerely,'.

Amber Widmayer
Natural Resources Planner

cc: WI 200-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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January 15, 2008

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Shipp Variance 08-3503

Dear Ms Whitt:

Thank you for providing information regarding the above mentioned variance request. The applicant seeks a setback variance for a proposed addition to an existing dwelling. The property is within the Critical Area and is designated as Limited Development Area (LDA).

While the applicant's submitted materials do not include information regarding existing or proposed tree coverage on the property, according to our records, it appears that there are several existing trees located in the proposed footprint of the dwelling addition. If indeed these trees will be removed as a result of the proposed construction, this office recommends that the applicant mitigate for the clearing with replacement plantings at a 1:1 ratio on the property. If there is currently no tree cover on the property, we recommend that the variance be conditioned on the applicant providing plantings on the site such that at least 15% of the property is in tree cover, as required by the Calvert County Critical Area program's minimum 15% afforestation requirement, found at 8-1.04.G.1.i.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber'.

Amber Widmayer
Natural Resource Planner
cc: CA 18-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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January 15, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Bob Bell Ford
C 07-0123, G 02013259

Dear Ms. Krinetz:

Thank you for forwarding the above referenced site plan submittal. The project consists of expanding an existing vehicle sales and servicing business by constructing a new building and a building addition on an existing body shop. The 3.45 acre property is within the Critical Area and is classified as an Intensely Developed Area (IDA). I have provided my comments below.

- 1) Because the property is designated IDA, the applicant must show how the 10% pollutant removal requirement will be addressed for this project. Please have the applicant complete and submit the 10% pollutant reduction calculations using the worksheet which can be found on our website under the guidance documents link, or by going directly to the web address below.
http://www.dnr.state.md.us/criticalarea/10percent_rule_manual/worksheet_a.pdf
- 2) The applicant should show that plantings in permeable areas will be done to the extent feasible.
- 3) Please have the applicant provide a revised site plan which includes the 10% calculations described above, and demonstrates any stormwater best management practices (BMPs) required the pollutant removal requirement.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

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Ms. Krinetz
January 15, 2008
Page Two

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber Widmayer', with a stylized flourish at the end.

Amber Widmayer
Natural Resources Planner
cc: AA 14-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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January 16, 2008

Mr. J. Phillips Wright, Jr., Chairman
Wicomico County Board of Appeals
Wicomico County Planning and Zoning Office
Government Office Building
Salisbury, MD 21803

Re: Green Property Special Exception, application #2518
Wicomico County

Dear Chairman Wright:

This office has received notice of the above-referenced special exception application and public hearing before the Wicomico County Board of Appeals (the Board) scheduled for January 31, 2008. The applicant has applied for a special exception to allow a small contracting business, which is a trucking business, as an accessory use of a residential lot in the A-1 district, under Wicomico County's Zoning Code § 225-67. The 7.48 acre property is currently developed with a dwelling, driveway, pier and accessory building. It is also within the Critical Area and is designated as a Resource Conservation Area (RCA). It is our view that, because the proposed use is not permitted in the A-1 district in the County's Resource Conservation Area, this use may not be allowed by special exception.

Property in Direct Violations of Conditions of the Board's Previous Order

The Board has previously granted an after-the-fact variance for this property owner for construction of the dwelling in the 100-foot Buffer. The Board attached several conditions to this variance including the following: "No dock may be constructed anywhere on the property under any circumstances," and "any conditions set forth by this or any other agency/body must be adhered to by the Applicant." After the Board's preliminary decision to grant the variance on February 13, 2001, the Wicomico County Planning Director, David Nutter, received information that the applicant intended to construct a dock on the property, in spite of the conditions of the variance. In his March 6, 2001 letter to the applicant, Mr. Nutter reiterated that it was the Board's intention that "no dock be constructed anywhere on [the applicant's] property under any circumstances." In direct violation of the Board's conditions and Mr. Nutter's letter, the

applicant has since built a dock on the property. The applicant knowingly and willfully violated the Board's conditions that were the basis for granting the Buffer variance, and this dock should be removed within 90 days. No further cases should be heard by the Board regarding this property until the dock is removed. If the County is unable to have the dock removed, the Buffer variance that legalized the dwelling should be revoked and the applicant should be required to move the dwelling outside of the 100-foot Buffer.

The Existing Business is not a Permitted Use in the RCA under the County's Critical Area and Zoning Code

Even if the existing violation on the property is resolved, the requested special exception can not be granted because the existing business use of the property is in conflict with the County's Critical Area program. The applicant has applied for a special exception to allow a small contracting business in the A-1 zone. This use can be permitted by special exception in Wicomico County as a whole, but is not one of the permitted uses in the RCA of the Critical Area. As the Wicomico County Critical Area program explains below, where the RCA development requirements are more restrictive than the County's underlying zoning, the RCA requirements supersede the County's Zoning Code.

"The requirements of this chapter supplement the County's land development codes, including existing zoning and subdivision provisions. It imposes specific regulations for the development and other land use within the Wicomico County Critical Area. In the event of inconsistency between the provisions of this chapter and the provisions established in other applicable ordinances, the more restrictive or stringent provisions shall apply." §125.1.B Wicomico County Code

In addition to residential development, the only uses that are permitted in the RCA of the Critical Area are enumerated in the County's Critical Area program at §125-17.E. The eight item list includes home occupations, golf courses, cemeteries, bed-and-breakfast facilities, gun clubs, day-care facilities, group home or assisted living facilities, and "other uses determined by the County and the Critical Area Commission to be similar to those listed above." A small contracting business is not one of these uses, and therefore it is not allowed in the RCA. Wicomico County's Code does not provide a definition for a small contracting business. However, it does provide a definition of a "home occupation," and the applicant's business does not meet this definition.

Home occupations, or home-based businesses are allowed in the A-1 zone by special exception according to the County's Zoning Code. The County's Zoning Code § 225-97 provides minimum operational standards which all home-based businesses must meet. The applicant's business does not meet at least one of these standards because the applicant's business exceeds the size limitation for a home-based business. "The home-based business must be clearly incidental and subordinate to the residential use and shall not exceed in area 25% of the gross floor space of the single-family dwelling." § 225-97.B.2. While this office did not receive a detailed site plan of the existing structures on the property, according to our records, it appears that the accessory building (barn) is

Mr. Wright
January 16, 2008
Page 3 of 3

almost as large as the dwelling on the property. Rough estimations based on aerial photography show that the footprint of the dwelling is somewhere between 4,000 and 4,800 square feet, and the footprint of the barn is somewhere between 3,800 and 4,300 square feet. Therefore, the barn that is used to house the trucking business is far greater than 25% of the floor space of the single-family dwelling, and is clearly NOT incidental and subordinate to the residential use of the property. Consequently, the applicant's business does not meet the minimum standards to be classified as a home occupation or home-based business.

Accordingly, we recommend that the Board decline to consider a special exception for this use, because the use is not permissible by special exception in the RCA. Further, we recommend that the Applicant be ordered to bring the site into full compliance with the Critical Area program, including relocating his business because it is not a permitted use in the RCA.

Thank you for the opportunity to comment. Please include this letter in the Board's record for these proceedings, and please notify the Commission in writing of any decision. Please do not hesitate to telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: WI 618-00
Marianne Dise, Commission Counsel

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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January 18, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Suddeth Property
S 87-153, P 07-0108, Formerly MS 87-153

Dear Ms. Krinetz:

I have received a resubmittal for the above-referenced subdivision application. The project is to create a 17 lot subdivision from an existing parcel with construction of single family home on each lot. 1.27 acres of the 20.19 acre property are in the Critical Area and are designated as a Limited Development Area (LDA). Within the Critical Area portion of the property, the applicant proposes to remove existing structures that are a bait shop and nursery, and to construct an entrance road to the proposed subdivision. It appears that the applicant has addressed this office's comments from Megan Sine's July 9, 2007 letter. I have provided my remaining comments below:

1. Please have the applicant clarify whether there will be any tree clearing in the Critical Area. The cover sheet of the plans refers to "total wooded area lying in the Critical Area removed" as .05 acres, but it is unclear where this .05 acres will be cleared. Also, sheets 28 and 29 show two different acreages for the designated area to be planted. On the sheets, the planting area as shown as both .08 acres and .05 acres. Please resolve this inconsistency.
2. It appears that there is a stream and wetland system on the property. This should be shown on the plans with the required Buffers. If the stream is in the Critical Area, it should be shown with a 100-foot Buffer.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3481 if you have any questions.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: AA 207-07

Martin O'Malley
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Executive Director

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January 18, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Saunders Point Parcel C
S 95-165, P 07-0248

Dear Ms. Krinetz:

Thank you for forwarding the above referenced subdivision application materials. The project is to subdivide an existing 2.35 acre parcel into a 4-lot subdivision, to retain the existing dwelling on one of the proposed lots, and to construct three new dwellings and driveways on the three other proposed lots. The property is currently developed with a dwelling, driveway, pier, guest house, and retaining wall. The entire property is within the Critical Area and is designated as a Limited Development Area (LDA). I have outlined my comments below:

1. Please have the applicant add the 100-foot Buffer line to the plans.
2. The submitted materials indicate that 24% of the existing tree cover on the property will be cleared for the proposed development. Because this is more than 20% of the existing tree cover, the applicant must provide mitigation plantings at a 1.5:1 ratio. The areas in which these plantings are located should be shown on the plans and should be placed in a forest conservation easement to ensure that they will not be cut or cleared in the future.
3. The applicant must submit a Buffer management plan showing that the 100-foot Buffer will be reestablished in plantings as required by Anne Arundel County Code § 17-8-303. These plantings should be provided in addition to the reforestation plantings that are required for the proposed clearing on the property, and the Buffer plantings should also be protected by a forest conservation easement. It appears that if the Buffer is fully planted and the reforestation mitigation plantings are done on the property, the property will not require additional plantings to meet the minimum 15% afforestation requirement.

4. The plans show that there is a gazebo in the 100-foot Buffer in front of the existing dwelling. The applicant should either provide documentation that this gazebo was on the property prior to the implementation of Anne Arundel County's Critical Area program or that the gazebo is permitted in the 100-foot Buffer by a variance. If such documentation is not available, the gazebo should be moved out of the Buffer.
5. The relocated guest house must be located outside of the 100-foot Buffer or a variance must be obtained. In addition, we recommend that the guest house also be located outside of the 50-foot steep slope buffer.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 457-99

Martin O'Malley
Governor

Anthony G. Brown
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January 25, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Marcus Woo, Lot 36 Willowswood
Plat Revision

Dear Ms Vidotto:

Thank you for forwarding information regarding the above-referenced plat revision. The applicant is revising an existing plat for the purpose of abandoning a 10,000 square foot septic recovery area, and to revise the acreage, 100-foot Buffer, expanded Buffer, and ten-foot setback based on the field located shoreline as of April 24, 2007. The property is currently undeveloped and is designated as a Resource Conservation Area (RCA). I have provided my comments below.

- 1) While one of the applicant's stated reasons for revising the plat is to revise the acreage of the property, it does not appear that the revised plat includes this revised acreage. Additionally, the revised plat is missing other Critical Area information that is on the existing plat, as listed below:
 - Total acreage of the property, and acreage of property within the Critical Area
 - Critical Area designation
 - Proposed development footprint, dimensions of the structures, and proposed impervious surface area
 - Existing and proposed forested area
 - Planting and habitat protection plan
 - A notation that the property may consist of tiger beetle and Forest Interior Dwelling Bird (FIDs) habitat
 - Where the new septic system will be located

Please have the applicant add this information to the revised plat, or clarify why it has not been included in the revised plat.

Ms. Vidotto
January 25, 2008
Page Two

- 2) The applicant has received a variance to develop the property based on features and proposed development on the existing plat. Specifically, the variance was to permit construction of the driveway and septic fields within the expanded Buffer. If the revised location for the septic system or the driveway will create different or more extensive impacts than what was shown on the existing plat the applicant will have to seek a revised variance.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resources Planner
CA 667-07

Martin O'Malley

Governor

Anthony G. Brown

Lt. Governor



Margaret G. McHale

Chair

Ren Serey

Executive Director

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January 28, 2008

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 08-3499 Endrusick

Dear Ms Whitt:

Thank you for providing information regarding the above mentioned variance request. The applicant seeks a variance to permit disturbance within the 100-foot Buffer for construction of a single family dwelling. The property is currently undeveloped and it is classified as a Limited Development Area (LDA).

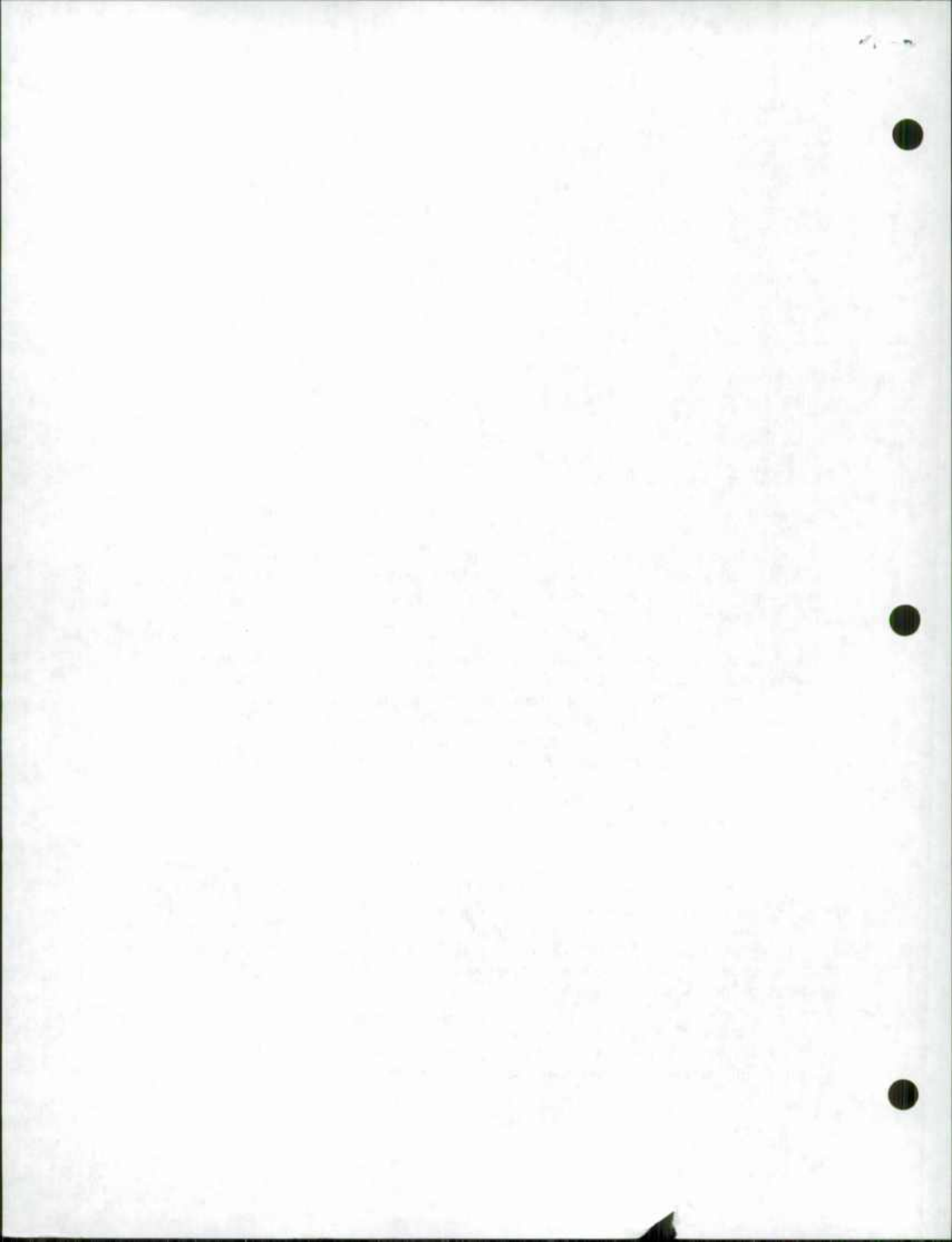
Calvert County's variance standards require that the requested variance be the minimum necessary to afford relief from the regulations. However, it does not appear that the applicant has shown minimization of impacts to the Buffer. Based on the information submitted, it appears that the applicant can make adjustments to the plan that would minimize the extent of proposed disturbance to the Buffer. Accordingly, this office cannot support granting the requested variance unless the applicant shows an attempt to site the dwelling in a way that minimizes these impacts.

Examples of ways in which the applicant can show minimization of the extent of impact on the Buffer are described below:

- It appears that the size of the proposed house could be reduced and reconfigured so that more of the footprint is located outside of the Buffer. Additionally, the proposed garage could be eliminated or entirely incorporated into the dwelling footprint. It is this office's position that a garage is unnecessary on properties with environmentally sensitive features. If the proposed garage were eliminated or incorporated into the dwelling footprint, it could be possible to locate more of the proposed dwelling in that location which is out of the Buffer.
- It seems that if a more space efficient septic treatment system were used, there would be room to pull the majority of the proposed dwelling out of the Buffer. The applicant should address whether alternative septic treatment options are feasible on this property.

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January 28, 2008
Ms. Whitt
Page Two

- If less of the property were restricted by the proposed septic treatment area and the house were able to be pulled farther out of the Buffer, the proposed 90 foot long driveway could be reduced as well, which would allow for a reduction in the proposed impervious footprint on the property.
- If a less space intensive septic treatment option is not feasible on this property, then the applicant should address whether the driveway could be located over the septic area so that more of the property that is not in the Buffer would be available for developing the proposed dwelling.
- The applicant has proposed to clear 1,998 square feet of the existing 4,512 square feet of existing forested area on the property, and it does not appear that replacement plantings are proposed on the property at this time. The applicant could provide plantings to reestablish the Buffer, mitigate for the proposed clearing, and to meet the 15% afforestation requirement. Additionally, it appears that there is ample room on the property for plantings that would treat stormwater, instead of creating disturbance in the Buffer for the three proposed drywells. We suggest that proper establishment of the Buffer in three-tiered vegetation may provide water quality benefits equivalent to the proposed drywells.
- The applicant's submitted calculations indicate that the proposed impervious surface area is slightly more than the allowed 15%, which is 4,161 square feet. Therefore, the proposed 4,216 square feet of impervious surface area must be reduced.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resource Planner

cc: CA 16-08
Robin Munnikuysen

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

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Executive Director

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January 28, 2008

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 07-3438 Oestringer, Peter

Dear Ms. Whitt:

Thank you for forwarding additional information on the above referenced variance. The applicant is requesting after-the-fact variances to the 100-foot Buffer and steep slope requirements in order to permit the continuation of steps, extensive retaining walls and decking. The property is designated a Limited Development Area (LDA) and is currently developed. This office is providing an additional comment letter in response to the additional information you forwarded regarding this case.

In this office's previous letter dated August 27, 2007, we recommended that the applicant be required to modify the existing development to establish a vegetated Buffer within the context of the existing structure such that only the minimum necessary development that would have been permitted on the property for purposes of providing access to the water, and for shoreline stabilization would remain. In order to modify and restore the Buffer on the property, this office requested that the applicant develop, obtain review and approval of, and implement a plan by a licensed engineer and landscape architect to ensure that the modification of the existing combination of retaining walls and block pavers provides adequate stability, and maximizes the opportunity for establishment of a vegetated Buffer. We recommended that the applicant work closely with County staff to develop this planting plan so that the County's standards and planting criteria for planting within the Critical Area would be used. The applicant was to provide mitigation plantings for the total area of disturbance to the Buffer. At the September 6, 2007 Calvert County Board of Appeals hearing, the Board deferred making a decision on whether to grant the variance so that the applicant could have more time to develop a plan to modify the Buffer and have a licensed engineer determine to what extent the block paver structures could be removed.

The only document that this office has received from the applicant since the September 6, 2007 Board of Appeals Hearing is a November 20, 2007 letter from Donald T. Ward, P.E. The letter provides a general description of the existing wooden retaining walls and block pavers on the applicant's property in the Buffer, but does not describe what modifications could be made to



Ms. Roxana Whitt
Variance 07-3438 Oestringer
January 28, 2008
Page 2 of 2

restore the condition of the Buffer. It is this office's understanding that the applicant has not submitted any plan or proposal to the County or to the Commission for removing or modifying the existing configuration of walls and pavers or reestablishing the Buffer with plantings. Accordingly, it is this office's position that the applicant has not addressed the recommendations we provided in our August 27, 2007 letter. We recommend that either the case be deferred pending the applicant's submittal of a Buffer management plan as described above, and a determination by County and Commission staff that the plan will restore the Buffer to the extent feasible, or that the variance be denied with complete restoration of the site required.

Thank you for the opportunity to provide comments regarding this revised variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: CA 319-07
Robin Munnikysen



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

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Executive Director

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January 28, 2008

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 08-3500 Jones, Carl

Dear Ms Whitt:

Thank you for providing information regarding the above mentioned variance request. The applicant seeks a variance to permit disturbance within the 100-foot Buffer and slopes greater than 15% for construction of a single family dwelling, driveway, garage and three rain gardens. The property is currently developed with a dwelling, driveway, bulkhead, and patio and it is classified as a Limited Development Area (LDA).

Calvert County's variance standards require that the requested variance be the minimum necessary to afford relief from the regulations. However, it does not appear that the applicant has shown minimization of impacts to the protected environmental features of the property, including the Buffer and slopes greater than 15%. We recognize and acknowledge that the applicant proposes a replacement dwelling which will be located farther from the mean high waterline than the existing dwelling and that the applicant could keep the existing footprint without consequence. However, when redeveloping a property by razing an existing dwelling and constructing an entirely new dwelling within a recognized sensitive resource, the applicant bears the burden to redevelop to the best of their ability in keeping with the spirit and intent of the current law. This burden includes minimizing impacts to the Buffer and steep slopes to the maximum extent possible. As they are currently proposed, the majority of the proposed house, driveway and stormwater management structures are located within the Buffer and steep slopes. Based on the information submitted, it appears that the applicant can make adjustments to the plan that would minimize the extent of proposed disturbance to the Buffer, steep slopes and proposed forest clearing. Accordingly, this office cannot support granting the requested variances unless the applicant shows an attempt to site the dwelling, driveway and other structures on the property in a way that minimizes these impacts.

Examples of ways in which the applicant can show minimization of the proposed construction impacts to the sensitive environmental features on the property are described below:

- The applicant has proposed three rain gardens in the Buffer, two of which are in sited in currently forested areas of the property. Stormwater treatment facilities should not be located in the Buffer. Instead, stormwater should be directed away from the Buffer where possible. Also, the proposed clearing of existing forested area in the Buffer for stormwater treatment is inconsistent with the County's Critical Area goals. Instead, the applicant should make every effort to minimize impacts to the Buffer, and to reestablish the Buffer in vegetation where feasible. This office recommends that the applicant provide Buffer plantings to reestablish the portion of the Buffer that is not planted once the existing house is removed and to provide a water quality benefit, instead of constructing the proposed rain gardens. We suggest that the same net benefit would be derived from Buffer plantings as from the proposed rain gardens, without the additional clearing and disturbance.
- If the applicant follows the above recommendation, the proposed clearing of 25.7% of the existing forested area on the property will be significantly reduced.
- As it is currently proposed, the driveway appears to be expanded from 55 feet to 60 feet wide. A driveway of this size is not the minimum necessary for a single family dwelling, let alone one that is located in the Critical Area Buffer. Instead of expanding the existing driveway and constructing a new garage as is currently proposed, we recommend that the applicant make use of a portion of the existing driveway in order to locate a portion of the proposed house farther out of the Buffer and steep slopes. In addition to pulling the proposed dwelling farther out of the Buffer, siting the proposed dwelling on a portion of the existing driveway would allow for a significant reduction in the proposed impervious footprint on the property.
- As mentioned above, we recommend that the proposed garage be eliminated. It is our position that a garage is unnecessary on properties with this degree of environmentally sensitive features. While the proposed garage is not located in the Buffer, the area of the proposed garage could either be used to locate more of the proposed house out of the Buffer, or the area could remain forested.
- Please have the applicant address whether the existing septic area that will be abandoned could be used for development of the proposed dwelling. This area is outside of the Buffer, and if the dwelling were partially located on that portion of the property, the new dwelling could be pulled farther out of the Buffer.
- Also, please have the applicant address whether a more space efficient septic treatment system would be feasible on this property. It appears that if a more space efficient septic system were used, the majority of the proposed house could be developed outside of the Buffer.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In

January 28, 2008
Ms. Whitt
Page 3 of 3

addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber', with a stylized flourish at the end.

Amber Widmayer
Natural Resource Planner

cc: CA 17-08
Robin Munnikuysen

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 28, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Parker Creek
S-05-014, P-07-0153

Dear Mr. Burke:

Thank you for forwarding the above referenced subdivision resubmittal. The project consists of the subdivision of one parcel into five lots, removal of an existing dwelling and driveway, and construction of five new dwellings and driveways on each of the proposed lots. The property is designated as a Resource Conservation Area (RCA) and a Limited Development Area (LDA). The applicant has addressed some of this office's comments from my October 9, 2007 letter. I have outlined my remaining comments below:

- 1) According to this office's records, there appears to be a forested nontidal wetland in the northwestern corner of the property. Please have the applicant confirm in the field whether there is a nontidal wetland in this location. The plans show that there will be forest clearing in this area for a fire suppression tank, and the proposed driveway, garage and house on lot 4. If the proposed development will impact nontidal wetlands, the applicant must obtain a permit from Maryland Department of the Environment (MDE). Also, we recommend that the applicant relocate the house on proposed lot 4 farther toward the southern building restriction line to minimize disturbance to the existing forested area and if applicable, the nontidal wetland.
- 2) It appears that a significant portion of the property, including the majority of the RCA on the property, is tidal wetlands. As you are aware, State-owned areas of tidal wetlands cannot be included within the total property area for the purpose of

calculating density, impervious surface area limits, and forested areas. If the applicant wishes to include any tidal wetlands within the property area, a field delineation must be performed determining the location and extent of private versus State-owned wetland areas. Absent this delineation, the applicant may choose to remove the entire extent of tidal wetlands from the property acreage totals. Once the ownership of wetland areas has been determined, please have the applicant revise and resubmit the impervious surface area and forest clearing calculations as necessary.

- 3) Anne Arundel County Code § 17-8-303 requires that, "development on a site without an existing natural buffer within 100 feet of the shoreline shall have a buffer reestablished in accordance with the following: (1) a fully functioning buffer shall be created in accordance with an approved buffer management plan; and (2) planting shall consist of a combination of native trees, shrubs, and ground cover approved by the Office of Planning and Zoning." It does not appear that there is an established vegetated 100-foot Buffer on the property and therefore, the applicant must submit a Buffer management plan showing the requisite Buffer plantings for establishment of a vegetated 100-foot Buffer. These plantings are required in addition to the mitigation plantings for the proposed forest clearing on the property. Since there appears to be a nontidal wetland within the 100-foot Buffer, any plantings that are proposed in the nontidal wetland should be reviewed by MDE to ensure the viability of the proposed species. Further, the Buffer should be placed in a forest conservation easement to ensure that the Buffer plantings will not be cut or cleared in the future. We recommend that the County require the establishment of the Buffer to be completed by the developer so as not to pass on the requirement to future individual lot owners.
- 4) This office notes that the current plans show the proposed lot lines for lots 1, 2 and 3 within the 100-foot Buffer. Since this area must be reestablished in plantings and should be placed in a forest conservation easement, we recommend that the lot lines be adjusted such that they are not within the 100-foot Buffer.
- 5) The plans show the planting area for the forest clearing mitigation in the tidal wetlands. Mitigation requirements for clearing upland vegetation cannot be met by planting wetland species. Therefore, the applicant can not use this area to do reforestation mitigation plantings and must locate the reforestation plantings somewhere other than the tidal wetlands on the property.
- 6) While we note these numbers will be revised as requested above, it appears that the applicant currently proposes to clear 24.8% of the existing forested area on the site and accordingly the applicant must provide reforestation mitigation at a 1.5:1 ratio. Further, COMAR 27.01.02.04.C(3)(c) requires that an area equal to 80% of the existing forested area be placed in a conservation easement. If there is not adequate space within the currently proposed footprint of development to place 80% of the existing forested area in a forest conservation easement, the applicant

should adjust the proposed number or configuration of lots. Please note that tidal wetlands, whether private or State-owned, cannot be included within the 80% of forested area to remain.

- 7) The soils information on the plans shows that the 100-foot Buffer is contiguous with the hydric soil Deale-Shadyoak (DcA) and therefore the Buffer may be expanded to include this hydric soil. Please have the applicant provide information regarding how much of the property is comprised of the hydric DcA soil. If the whole property consists of hydric soils and is consequently within the expanded Buffer, this office recommends against approval of the proposed subdivision because development on the proposed lots would require variances for disturbance within the expanded Buffer. It is this office's policy that variances should not be required for development on newly created non-grandfathered lots, and consequently this office would find it difficult to support granting of variances for development on the proposed lots.
- 8) It does not appear that the new proposed lots are being created with riparian rights. In order to clarify that this is the case, we recommend that the applicant include a plat note stating that no piers will be allowed on the property. We note that there currently appears to be a boathouse or some other structure located on the shoreline of the property. If so, this structure should be removed if the proposed subdivision is approved.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 15-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 30, 2008

Board of County Commissioners
Calvert County Courthouse
175 Main Street
Prince Frederick, Maryland 20678

Re: Patuxent Plaza Growth Allocation

Dear Board of County Commissioners:

This office has received a copy of the above mentioned growth allocation request. The proposed growth allocation would change 7.04 acres of the Patuxent Plaza Shopping Center property from a Limited Development Area (LDA) to an Intensely Developed Area (IDA). Calvert County has requested that the Commission review and process the request as a refinement to the County's Critical Area Program and maps.

This letter serves to notify you that the Critical Area Commission is accepting the County growth allocation request for processing. The Chair will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of her determination and the procedures for review by the Critical Area Commission.

Thank you for your cooperation in submitting the proposed map amendment for review and approval. If you have any questions, please telephone me at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resource Planner

cc: Dr. Dave Brownlee

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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January 31, 2008

Mr. Robert Tabisz
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230

Re: 08-PR-0140 Smolinski
6770 Ben Creek Rd., Calvert County

Dear Mr. Tabisz:

This letter is in response to the above referenced application for a pier. The proposed pier is 700-feet long by 6-feet wide, with a 6 foot by 33 foot L head, two three-foot wide by eight-foot long finger piers and six mooring piles. The stated purpose of the project is to create navigational access. Based on the information provided, I have the following comments:

1. Construction of a 700-foot long pier for one property owner to reach a three foot water depth is excessive. The pier is so long that it appears to extend beyond the County harbor line by at least a factor of five. The property owner currently has riparian access at his existing dock and constructing a new pier with a surface area in excess of 4,200 square feet will create extensive and unnecessary disturbance in the Critical Area.
2. If the pier is permitted, we recommend that at a minimum it be reduced in width from the proposed 6 feet to 3 feet.
3. The project site is in a waterfowl concentration area. Therefore, the applicant must work with Maryland Department of Natural Resources Wildlife Heritage Service to meet their guidelines for construction in order to minimize the potential impacts on the waterfowl population.
4. The applicant will need to obtain approval and permits from the Calvert County Office of Planning and Zoning for any impacts to land that is above mean high water. Also, the applicant will need to provide mitigation at a 2:1 ratio for temporary impacts to the Buffer, such as clearing of vegetation for construction access, and mitigation at a 1:1 ratio for permanent impacts to the Buffer resulting from the proposed placement of fill and stone in the Buffer above the mean high water line. The applicant should contact the

Mr. Tabisz
January 31, 2008
Page Two

Calvert County forester in order to complete a buffer management plan for the required mitigation.

Thank you for the opportunity to provide comments. If you have any questions, please call me at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resource Planner

cc: John Swarz

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 8, 2008

Mr. Jay Leshinski
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Marley Fire Station, G 02013138

Dear Mr. Leshinski:

I have received the above-referenced project proposal for the construction of a new fire station. Because the project proposes impacts to slopes greater than 15% and impacts to the 100-foot Buffer, it appears that the proposed project will need to be presented to the Critical Area Commission for conditional approval.

This office has numerous questions regarding the project's proposed impacts to the Critical Area and the process by which this project is being reviewed and implemented in the County. For instance, it is our understanding that the Middle School on the adjacent parcel is already constructed with impacts in the Critical Area, yet it is unclear to what extent this project was reviewed by the Commission or the County Office of Planning and Zoning. Additionally, the submitted plans show that the applicant has combined the existing and proposed forest calculations for both the middle school and the fire station projects in order to determine the mitigation planting requirements. In order to most efficiently address this office's questions and to obtain the necessary project information, this office recommends that we schedule a meeting with the applicant and County Office of Planning and Zoning. Until we obtain sufficient information with reference to the project, this office is unable to provide informed comments on the project. We will be contacting you soon to facilitate scheduling of the above requested meeting.

Please feel free to contact me at 410-260-3481 in the meantime should you have any questions.

Mr. Leshinski
February 8, 2008
Page 2 of 2

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber Widmayer', with a stylized, flowing script.

Amber Widmayer
Natural Resources Planner

cc: AA 08-08
Kelly Krinetz
Tom Burke

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 8, 2008

Ms. Sally Nash
City of Annapolis
Department of Planning and Zoning
145 Gorman Street
Annapolis, Maryland 21401

Re: Burnside Street Park
Consistency Report

Dear Ms. Nash:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The City Department of Public Works is proposing to replace 885 square feet of deteriorating concrete and pavers with new concrete, and to provide Buffer plantings. The project site is within the Critical Area and is designated as an Intensely Developed Area (IDA). The project will not create any new impervious surface area or require any tree clearing.

Because the project is for in-kind replacement of impervious surface within the Buffer, there is no mitigation requirement for the Buffer disturbance. The City has submitted the necessary 10% calculations for development within an IDA and there is a pollutant removal requirement of .00029 pounds of phosphorus per year. The City has proposed to plant two trees and eight shrubs which will sufficiently address the removal requirement.

It appears that the proposed project will be consistent with the City of Annapolis' Critical Area Program and will require no further Commission review or action.

We appreciate the opportunity to provide comments on this development proposal. If you have any questions, please contact me at 410-260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner
cc: AN 30-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 8, 2008

Mr. Jimmy Sharp
Wicomico County
Department of Planning, Zoning, and Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: Mill Creek Subdivision
S 06-050, P 06-0109

Dear Mr. Sharp:

Thank you for forwarding the above-mentioned subdivision resubmittal. The project is the subdivision of several existing parcels into a 92-lot subdivision and construction of a single family home on each proposed lot. It appears that 44 of the proposed lots are within the 31.7 acre portion of the property that is within the Critical Area and is designated as a Limited Development Area (LDA). The applicant has addressed most of the comments from my December 10, 2007 letter. I have outlined my remaining comments below:

1. We note that the applicant has stated that mitigation plantings will be provided for the proposed clearing at a 3:1 ratio on an offsite property. Please provide information about the proposed offsite replanting area and a planting plan. Additional reforestation mitigation may be required depending on how much of the forest interior dwelling bird (FIDs) habitat is cleared.
2. We note the applicant has indicated that it has commissioned consultants to complete the survey of the property for rare, threatened and endangered species, and to prepare the FIDs information requested in this office's previous comment letter. The subdivision should not be approved until this information is provided and the applicant has addressed any impacts to the rare, threatened and endangered species and FIDs habitat to this office's satisfaction. We recommend that the applicant work with Department of Natural Resources Wildlife Heritage Service to determine what measures should be taken to protect any sensitive species that are found on the property.
3. Please have the applicant expand the 100-foot Buffer on the plans to include the contiguous nontidal wetland. It appears that several of the proposed lots are within the 100-foot Buffer to tidal waters and the expanded Buffer for hydric soils. This office maintains that the lot

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Mr. Sharp
February 8, 2008
Page 2 of 2

lines should be outside of the Buffer in order to prevent disturbance from encroachments into these areas by future property owners. Also, please provide information about the protections that will be provided to the land within the labeled forest conservation areas and environmental protection easement area.

4. This office notes that the applicant has indicated that the proposed impervious surface calculations represent the maximum impervious area that will be constructed, and that the actual constructed impervious surface area will likely be less than the current figure. This office recommends that as the plans continue to be revised and more accurate proposed building footprint areas are developed, the applicant make an effort to reserve a reasonable amount of impervious surface allowance per lot so that future property owners will not be prohibited from making reasonable impervious surface improvements to their property such as patios, decks and sheds.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: WI 700-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 12, 2008

Ms. Angela Willis
Project Planning Division
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: MD 450 over Bacon Ridge Branch, Replacement of Bridge No. 02072

Dear Ms. Willis:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On February 6, 2008, the Critical Area Commission unanimously approved Maryland State Highway Administration's (SHA) proposal and site plan to replace Bridge number 02072 over Bacon Ridge Branch on MD 450. This approval included the following conditions:

- 1) The Maryland State Highway Administration shall meet with Commission staff and the Maryland Department of the Environment to discuss stormwater management, stormwater treatment, and erosion and sediment control issues identified by concerned citizens and report the solutions to the Project Subcommittee at the March 5, 2008 meeting;
- 2) Prior to commencement of construction, the Maryland State Highway Administration shall obtain all necessary authorizations from the Maryland Department of the Environment; and
- 3) The Maryland State Highway Administration shall use an environmental monitor to insure that the site remains in compliance with all environmental permits.

The approval was also based on the 5.92 acre mitigation package provided by SHA which consisted of 5.58 acres of plantings to address the 1.86 acres of Buffer disturbance at a 3:1 ratio, 0.03 acres of plantings for the 1:1 forest clearing outside of the Buffer, and 0.31 acres of plantings to address the 10% pollutant reduction requirement of 0.64 pounds of phosphorus per year. These plantings will be done on a six acre section of Franklin Point Park in Anne Arundel County in conjunction with an additional 0.083 acres of planting mitigation for the MD 70 bridge project. The six acres of plantings will consist of 2,232 trees and 1,860 shrubs and at least 0.31 acres of the plantings provided will be a minimum two inch caliper in size. I am enclosing a copy of the signed planting agreement that confirms the mitigation described above.

Ms. Willis
February 12, 2008
Page 2 of 2

Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'AWidmayer', is written above the printed name.

Amber Widmayer
Natural Resources Planner

cc: 57-07 DOT-SHA

Martin O'Malley
Governor

Anthony G. Brown
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Margaret G. McHale
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Executive Director

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February 12, 2008

Mr. Dan Gerczak
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Carrollton Manor
S 96-069, P 06-146

Dear Mr. Gerczak:

Thank you for forwarding the final plans for the above-referenced subdivision application. The applicant proposes to subdivide a 16,639 square foot property into two lots with construction of a new single family dwelling on each lot. 14,423 square feet of the property are within the Critical Area and are designated as an Intensely Developed Area (IDA). I have provided my remaining comments below.

1. In previously submitted materials, the applicant's 10% pollutant reduction calculations show that there is a removal requirement of 0.11 pounds of phosphorus per year and that this will be addressed on the site using two infiltration trenches, which will treat 0.16 pounds of phosphorus per year. Please have the applicant include this information under the "10% Critical Area Rule" notation on the plans.
2. COMAR 27.01.02.03.D(4) provides that in the IDA, if practicable, permeable areas shall be established in vegetation. It does not appear that the applicant has shown any plantings on the plans and it appears that there is room on the property to do so. Accordingly, the applicant should provide a planting plan showing that native plantings will be provided on the property to the extent feasible.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'AW', with a stylized flourish at the end.

Amber Widmayer
Natural Resources Planner

cc: AA 784-06

Martin O'Malley
Governor



Anthony G. Brown
Lt. Governor

Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 12, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Seventy Thirty One
Modification #9852, P 2008-0024, S 08-0010

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the requested modification.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 12, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

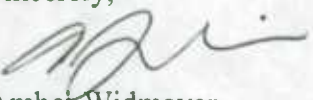
Re: Rock View Creek Lots 95-97/Guinn, Roy E. Property
Modification #9830, P 08-0009, S 93-067

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the requested modification.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,


Amber Widmayer
Natural Resources Planner

cc: AA 50-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 12, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Linthicum Heights/5805 Marydel Rd.
Modification #9834, P 2008-0013, S 02-073

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the requested modification.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "AWidmayer", written over a horizontal line.

Amber Widmayer
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 12, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Thompson Farms lots 83-85, Noseworthy Property
Modification #9841, P 2008-0021, S 1996-115

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the requested modification.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 12, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Wakefield Park, Lot 6
Modification #9823, P 09-0008, S 2000-015

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the requested modification.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 49-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 12, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Johnson Farm, East half of lot 6
Modification #9832, P 08-0012, S 08-005

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the requested modification.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 48-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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www.dnr.state.md.us/criticalarea/

February 12, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Zafiriu, Linda Ann
S 07-064, P 07-0175

Dear Mr. Burke:

Thank you for forwarding the above-referenced subdivision request resubmittal. The applicant proposes to subdivide an existing 1.01 acre parcel into two lots, to retain the existing house on one lot and to construct a new house on the other proposed lot. The property is classified as a Limited Development Area ("LDA"). The applicant has addressed most of this office's comments from my October 19, 2007 letter. I have my provided my remaining comments below.

1. We note that as requested, the applicant has proposed to put 15% or 6,628 square feet of the property in a forest conservation easement. However, instead of providing afforestation plantings in the 2,484 square foot portion of this area that is not currently forested, the applicant proposes natural regeneration of forest. This office recommends that the applicant provide afforestation plantings in this 2,484 square foot area as is typically required.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: AA 576-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 12, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Royal Farms
Modification #9857, P 08-0029, S 08-013

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the requested modification.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 13, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Cunningham-Van De Velde Lot Line Revision

Dear Ms. Vidotto:

Thank you for forwarding information regarding the above-mentioned proposed lot line revision. The applicant proposes to combine five existing lots into one and to retain the existing dwelling. The property is classified as a Limited Development Area (LDA) and it is currently developed with a dwelling and driveway. I have received the memo from Jeff Tewell that you forwarded and I am submitting a revised comment letter based on his clarification that no redevelopment of the property is proposed at this time. I have outlined my comments below.

- 1) Our records show that the property is mapped as habitat for a federally listed species and as a waterfowl concentration area. If the property should be redeveloped in the future, the property owner must obtain and submit a letter from the Maryland Department of Natural Resources Wildlife and Heritage Service that confirms whether these or any other protected species will be affected by the proposed development of the property, and specifies the measures that the property owner must take on the property to prevent impacting those species with the proposed construction.
- 2) It appears that the majority of the proposed lot is within the 100-foot Buffer, and if the property is redeveloped in the future, the 100-foot Buffer will need to be mapped based on a field survey. Also, if the property is redeveloped in the future and this cannot be done without disturbance to the Buffer, the property owner will have to obtain a Buffer variance.
- 3) The proposed lot is an LDA and consequently is subject to the 15% impervious surface area limit. It appears that the existing dwelling and driveway may exceed this impervious surface limit and if so, no additional impervious surfaces are permitted on this property.
- 4) This office recommends that in order to provide current and future property owners with notice of the above comments, the applicant include the following notations on the plat:

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Ms. Vidotto
February 13, 2007
Page Two

- The property is mapped as habitat for a federally listed species and as a waterfowl concentration area. Future development of this property must be done according to guidelines for protection of the species provided by Maryland Department of Natural Resources Wildlife Heritage Service.
- This property is within the 100-foot Critical Area Buffer and any future disturbance within the Buffer will require a variance.
- The impervious surface coverage on the property may not exceed the lesser of the current impervious surface area or 15% of the total lot area.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resource Planner
CA 664-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 14, 2008

Ms. Sally Nash
City of Annapolis
Department of Planning and Zoning
145 Gorman Street
Annapolis, Maryland 21401

Re: Burnside Street Park
Consistency Report

Dear Ms. Nash:

Thank you for forwarding revisions to the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The City Department of Public Works is proposing to replace 885 square feet of deteriorating concrete and pavers with new concrete, and to provide Buffer plantings. The project site is within the Critical Area and is designated as an Intensely Developed Area (IDA). The project will not create any new impervious surface area or require any tree clearing.

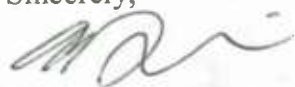
Previously, the City had proposed to replace the existing 885 square feet of concrete with 885 square feet of new concrete. It is my understanding that the revised project plan proposes to replace the existing 885 square feet of concrete with only 550 square feet of total impervious area from pavers and concrete, and as a result there will be a 335 square foot reduction in impervious surface area. Because the project is for in-kind replacement of impervious surface within the Buffer, there is no mitigation requirement for the Buffer disturbance. Previously, the City had submitted the necessary 10% calculations for development within an IDA and there was a pollutant removal requirement of .00029 pounds of phosphorus per year, based on the proposed 885 square feet of impervious surface area. With the decrease in impervious surface area in the revised plan, the 10% pollutant reduction requirement is reduced as well, and the City's proposal to plant two trees and eight shrubs will sufficiently address the removal requirement.

It appears that the proposed project will be consistent with the City of Annapolis' Critical Area Program and will require no further Commission review or action.

We appreciate the opportunity to provide comments on this development proposal. If you have any questions, please contact me at 410-260-3481.

Ms. Nash
February 14, 2008
Page Two

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber Widmayer', with a stylized, flowing script.

Amber Widmayer
Natural Resources Planner
cc: AN 30-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 14, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Johnson, Leslie R. Property
S 87-382, P 08-0004

Dear Ms. Krinetz:

Thank you for forwarding information regarding the above mentioned subdivision request. The applicant proposes to subdivide an existing 7.39 acre lot into two, to retain the existing dwelling, and to construct a new dwelling on the other new lot. The property is entirely within the Critical Area and is partially designated as a Limited Development Area (LDA) and partially designated as a Resource Conservation Area (RCA). I have outlined my comments below:

1. We note that a portion of the property has been identified by Maryland Department of Natural Resources Wildlife and Heritage Service as possible Forest Interior Dwelling bird (FIDs) habitat. However, it does not appear that the applicant has proposed any disturbance to this portion of the property. So long as the new dwelling is constructed in the existing lawn area on proposed lot two as is currently shown on the plans, it appears that the proposed subdivision will not create any disturbance to FIDs habitat.
2. It appears that as it is currently proposed, lot 2 includes a small portion of RCA on the northeast corner of the lot. We recommend that the lot line be amended so that no portion of the RCA on the property is included within proposed lot 2.
3. Please have the applicant confirm that the limits of disturbance for the proposed new driveway that crosses proposed lot 2 for access to proposed lot 1 is outside of the 25-foot nontidal wetland buffer. Additionally, we recommend that the wetland buffer be marked on the site with temporary fencing or signage to ensure that there will not be any disturbance within the wetland buffer during construction.
4. This office recommends that the forested area to remain on the site be placed in a forest conservation easement.

Ms. Krinetz
February 14, 2008
Page 2 of 2

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'AWidmayer', written in a cursive style.

Amber Widmayer
Natural Resources Planner

cc: AA 31-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 14, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Mason's Beach on the Bay, Lots 7-8
S 06-062, P 08-0003

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned subdivision request. The applicants propose to unmerge two merged lots, remove the existing dwelling that is located over the property line between the two lots, remove the existing garage, shed and driveway, and to construct two new houses and driveways on each of the unmerged lots. The 0.55 acre property is within the Critical Area and is designated as an Intensely Developed Area (IDA). I have outlined my comments below:

- 1) It is unclear from the submitted materials whether the property can properly be unmerged under Anne Arundel County's Code. Please have the applicant submit information regarding the chain of title for both lots and any correspondence between the lot owners and the County that may provide useful information on this issue.
- 2) Because the property is designated as an IDA, the applicant must submit 10% pollutant reduction calculations and a description of how the pollutant removal requirement will be met. The 10% calculation worksheets and further information about this requirement can be found on the Commission's website at the following web address:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner
cc: AA 27-08

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Martin O'Malley
Governor

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Margaret G. McHale
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Executive Director

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February 15, 2008

Mr. Michael W. Jones
914 Creek Drive
Annapolis, MD 21403

Re: 906 Creek Drive redevelopment

Dear Mr. Jones:

I am writing in response to your inquiry regarding the redevelopment of 906 Creek Drive. The property is in the Critical Area, it is designated as an Intensely Developed Area and it is within the City of Annapolis' mapped Buffer Exemption Area (BEA).

It is my understanding that you are concerned that the footprint of the redeveloped dwelling is located approximately ten feet closer to the water than the footprint of the previous dwelling which is approximately 93 feet from the shoreline. The City has a Critical Area Program that is approved by the Critical Area Commission and the City's program includes criteria for determining how a minimum setback line is measured for development within mapped Buffer Exemption Areas in the Critical Area. I have looked into the procedures used to determine the setback line on 906 Creek Drive, and they were consistent with those contained in the City's approved Critical Area Program.

As I noted in my email to you, the City's method for determining the residential BEA setback line is outlined in chapter 21.40.010 of the City's Code. The setback line is either a minimum of 30 feet from the shoreline, or "the depth determined by averaging the depth of existing waterway yards of all residences extending three hundred feet on either side of the subject property; except that if more than four residences are located within three hundred feet, the largest and smallest of the waterway yards shall not be used in determining the average depth." It is my understanding that using the above measuring method, there is a setback line of approximately 83 feet from the shoreline on 906 Creek Drive. The redeveloped dwelling is 93 feet or approximately ten feet farther away from the water than allowed with this setback line and therefore the redeveloped dwelling is outside of the minimum BEA setback under the City's Critical Area Program.

Thank you for expressing your interest in the City of Annapolis' Critical Area Program.
If you have any further questions, you can contact me at 410 260 3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber Widmayer', with a stylized, flowing script.

Amber Widmayer
Natural Resources Planner

cc: Sally Nash

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 15, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Gribble, Michael & Jane Property Replat

Dear Ms. Vidotto:

Thank you for forwarding information regarding the above-mentioned replat of a 0.612 acre lot that appears to be currently developed with a house, driveway and shed. The property is within the Critical Area and is designated as a Limited Development Area (LDA).

The applicant proposes to establish lateral lines with a reduced setback. It appears that the lateral lines and setback are waterward of the mean high waterline on the property. It does not appear that the applicants' request will raise any Critical Area issues and accordingly this office does not have any comments on the proposed replat at this time.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber Widmayer'.

Amber Widmayer
Natural Resources Planner
CA 84-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 18, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Morale, Welfare & Recreation Cottages, U.S. Naval Academy
Anne Arundel County

Dear Mr. Ghigiarelli:

This office has received the above-referenced project for review and comment. The proposed project is construction of 16 cottages, two pavilions, an administrative building, and a two-lane access road and parking lot. It appears that the entire project site is in the Critical Area and is not within the 100-foot Buffer.

The applicant has submitted two alternative sites for construction of the proposed project and the submitted materials indicate that neither alternative will require disturbance within the 100-foot Buffer. Because detailed site plans are not available at this stage, it is not clear how much impervious surface area is proposed and how much clearing of existing forested area will be required for the two alternative project sites. It appears that both proposed sites are considered areas that are not intensely developed, and accordingly the applicant must show that the project can be completed within the 15% impervious surface limit and the forest clearing limitations that are applicable for development in Limited Development Areas (LDA) and Resource Conservation Areas (RCA). As more detailed project plans are developed, please have the applicant submit information showing that these requirements are met. If applicable, the applicant should also show that any clearing will be mitigated at the appropriate ratio and where the mitigation will be done. Additionally, the applicant will need to submit letters of review for the selected project site from Maryland Department of Natural Resources Wildlife and Heritage

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Mr. Ghigiarelli
February 18, 2008
Page Two

Service, Maryland Historical Trust, and the applicant should provide information regarding the status of any necessary State or federal permits.

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber', with a stylized flourish at the end.

Amber Widmayer
Natural Resources Planner

cc: FED 72-07
Jeff Morris

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 19, 2008

Ms. Karen Llanes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Phelps Property/Gerard Park
S 06-051, P 07-0100

Dear Ms. Karen Llanes:

Thank you for forwarding the final plans for the above-referenced subdivision application. The applicant proposes to subdivide a 5.78 acre property to create eight new lots and one of these lots is within the Critical Area. The Critical Area portion of the property consists of approximately 0.72 acres and is designated as a Limited Development Area (LDA). It appears that the applicant has addressed this office's comments from my October 22, 2007 letter. I have included my remaining comments below:

1. There appears to be a discrepancy between the numbers on the plat and the plans with reference to proposed clearing and proposed impervious surface area. The Critical Area Computations table indicates that 3,024 square feet of impervious surface is proposed and that 9,014 square feet of existing forested area will be cleared. However, elsewhere on the plat and plans, the proposed impervious surface area is listed as 3,033 square feet and the proposed clearing is 7,432 square feet. Please have the applicant resolve these inconsistencies.
2. COMAR 27.01.02.04.C(3)(c) requires that an area equal to 80% of the existing forested area in the Critical Area be placed in a conservation easement. Currently, only 71% of the existing 31,487 square feet of existing forested area is shown within the proposed forest conservation area. Therefore, the conservation area should be enlarged to include more of the area that is within lot 8. If there is not adequate space within the currently proposed footprint of development to place 80% of the existing forested area in a forest conservation easement, the applicant should adjust the proposed number or configuration of lots.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

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Ms. Llanes
February 19, 2008
Page 2 of 2

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber Widmayer', with a stylized, flowing script.

Amber Widmayer
Natural Resources Planner

cc: AA 695-03

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 19, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Shenton Property/Russell Fabrication
C 08-0012, G 02013310


Dear Ms. Krinetz,

I have received the above-referenced project for review. The applicant proposes to construct a new commercial building and parking lots on an existing 0.77 acre parcel. The property is classified as an Intensely Developed Area (IDA). I have provided my comments below:

1. Because the property is designated IDA, the applicant must show how the 10% pollutant removal requirement will be addressed for this project. Please have the applicant complete and submit the 10% pollutant reduction calculations using the worksheet which can be found on our website under the guidance documents link, or by going directly to the web address below.
http://www.dnr.state.md.us/criticalarea/10percent_rule_manual/worksheet_a.pdf
2. Please have the applicant provide a revised site plan which includes the 10% calculations described above, and demonstrates any stormwater best management practices (BMPs) required to address the pollutant removal requirement.
3. COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. Please provide a landscape plan demonstrating that this requirement has been addressed.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,


Amber Widmayer
Natural Resources Planner
cc: AA 61-02

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Martin O'Malley
Governor

Anthony G. Brown
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February 19, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Riviera Beach lots 29-33, Paul Mercer
S 79-037, P 07-01

Dear Ms. Krinetz:

I have received revised information for the above referenced project. The applicant proposes to combine five existing lots into two lots, to remove an existing dwelling and construct a new dwelling on each proposed lot. The property is designated as an Intensely Developed Area (IDA). It does not appear that the applicant has addressed this office's comments from my November 19, 2007. I have provided this comment below:

1. The applicant must complete and submit the 10% pollutant reduction calculations as is required for development of IDA properties. While it does not appear that there will be a net increase in impervious surface area on the property, it is still necessary to complete the calculations and to show how any resulting pollutant removal requirement will be addressed on this site. The 10% worksheets can be found on the Commission's website at the link included below.

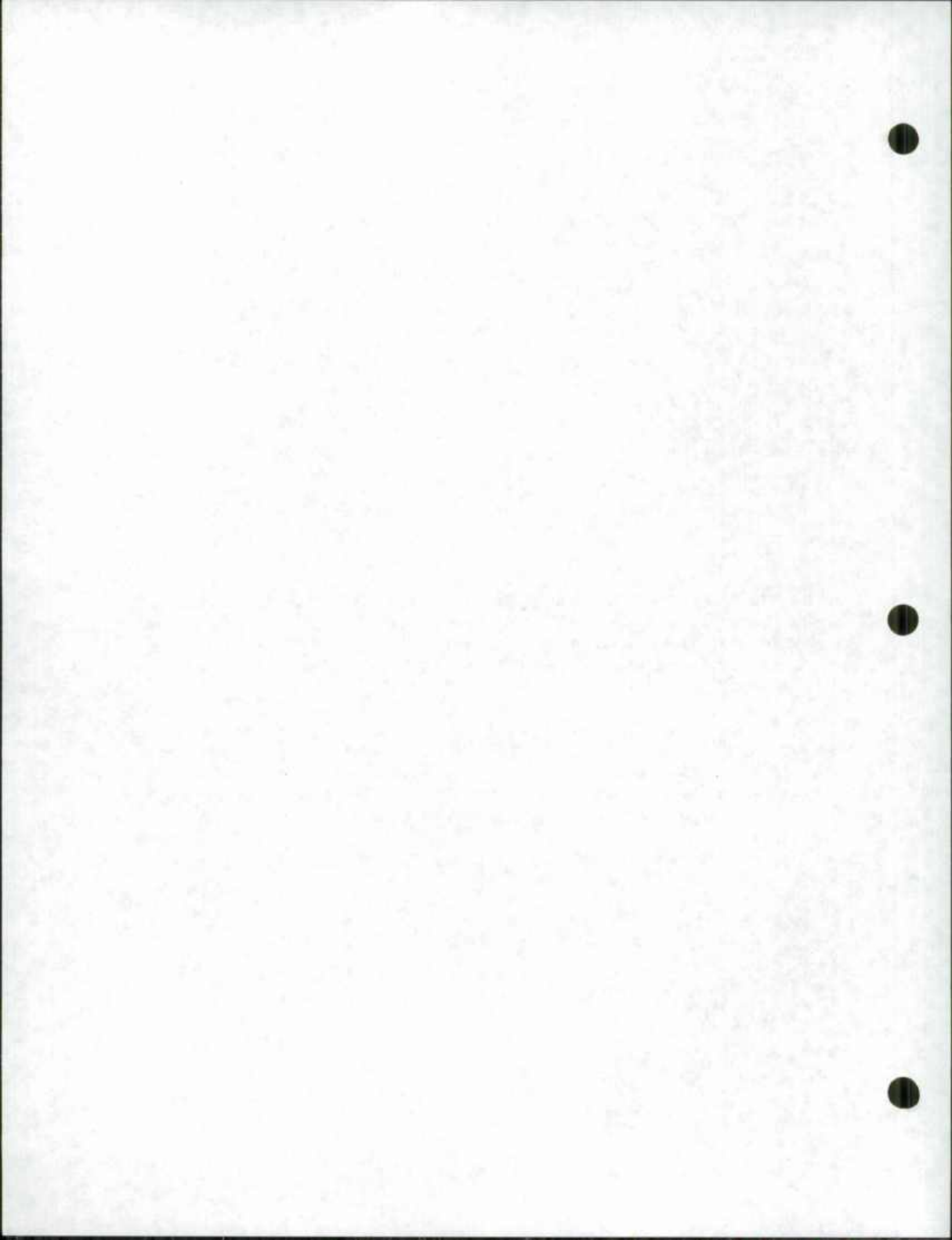
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: AA 655-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 20, 2008

Mr. Jeffrey Morris
Environmental Division Director
PWD Annapolis (USNA)
181 Wainwright Rd MS21A
Annapolis, MD 21402

Re: Columbarium Expansion, U.S. Naval Academy
Anne Arundel County

Dear Mr. Morris:

This office has received the above-referenced project for review and comment. The project is to expand the existing columbarium facility to construct additional memorial structures, a domed pavilion, four parking spaces, retaining walls, a shelter area, and a restroom and storage building. The project site is considered an intensely developed area, and it appears that most of the project site is within the 100-foot Buffer and the expanded Buffer for contiguous slopes greater than 15%.

While the Critical Area regulations typically prohibit disturbance within the Buffer, COMAR 27.01.09.01.C(8) provides that local jurisdictions may request an exemption of certain portions of the Critical Area from the Buffer requirements where it can be sufficiently demonstrated that the existing pattern of development in the Critical Area prevents the Buffer from fulfilling its habitat and water quality improvement functions. Due to the existing columbarium development and the existing road along the seawall, the proposed site for the columbarium expansion is much like the compromised Buffer areas that are mapped as Buffer Exemption Areas (BEA) in many local jurisdictions. If the proposed project is constructed such that it meets the Commission's policy for development within a BEA, it appears that the project may be able to be consistent with the goals and objectives of the Critical Area Law and Criteria. The Commission's BEA policy requires that the area of disturbance within the Buffer or expanded Buffer be mitigated with plantings at a 2:1 ratio. Accordingly, the applicant must provide

Mr. Morris
February 20, 2008
Page Two

calculations for the proposed area of Buffer disturbance and a planting plan showing how this mitigation requirement will be addressed. A revised plan for the project should also show the 100-foot Buffer or the expanded Buffer where the 100-foot Buffer is contiguous with slopes greater than 15%.

In addition to meeting the Commission's policy requirements for development within a BEA, the applicant must address the 10% pollutant removal requirement that is triggered by development within an Intensely Developed Area (IDA). Under this requirement the applicant must complete and submit the 10% calculations showing what the pollutant removal requirement is and provide a description and plans for how this requirement will be addressed on the site. The 10% calculation worksheets are available on our website under the guidance documents link, or by going directly to the web address below:
http://www.dnr.state.md.us/criticalarea/10percent_rule_manual/worksheet_a.pdf

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: FED 71-07
Elder Ghigiarelli

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
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February 22, 2008

Ms. Roxana Whitt
Calvert County Dept. of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Kla, Bai Variance 08-3498

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow disturbance to the 100-foot Buffer and slopes greater than 15% for construction of a retaining wall. The 22,615 square foot lot is designated as a Limited Development Area (LDA). We note that a Critical Area variance was granted for this property in 2006 for construction of a replacement dwelling, workshop, deck and driveway with disturbance to the 100-foot Buffer and to slopes greater than 15%.

Based on the information submitted at this time, this office can not support the proposed retaining wall. The applicant was recently granted permission for a significant amount of new disturbance within the Buffer and to steep slopes to replace the previously existing dwelling with a new dwelling with at least twice the footprint. The applicant now proposes even greater disturbance within the sensitive and protected Buffer and to steep slopes for the stated purpose of creating a more level area adjacent to the basement walkout. In the absence of a demonstrated erosion problem on the slope, it does not appear that the proposed wall or the additional impacts to the Buffer are necessary. Further, it does not appear possible that the applicant can meet each and every one of the County's strict variance standards for this request.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner
cc: CA 726-05

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 22, 2008

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Turner, Mike Variance 07-3479(R)

Dear Ms Whitt:

Thank you for providing additional information regarding the above mentioned variance request. The applicant seeks a variance to permit disturbance within the slope expanded Buffer and slopes greater than 15% for construction of a single family dwelling and driveway. The property is currently undeveloped and it is classified as a Limited Development Area (LDA).

In this office's October 17, 2007 letter regarding this variance, we provided suggestions for ways in which the applicant could show that the proposed impacts to the expanded Buffer and slopes greater than 15% were the minimum necessary for development of a grandfathered lot with a dwelling. The applicant sufficiently addressed each of these suggestions at the November 1, 2007 Board of Appeals hearing, and explained why each of this office's proposed adjustments to the plan were not feasible. While the proposed development of the property will create a significant amount of impact within the expanded Buffer and slopes greater than 15%, the applicant has shown that the requested variance is the minimum necessary to afford relief from the regulations as is required by the Calvert County variance standards, and it appears that the applicant can meet the rest of the County's variance standards. Therefore, this office has no further comments on the proposed variance.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3481.

Sincerely,

Amber Widmayer
Natural Resource Planner
cc: CA 601-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 22, 2008

Ms. Roxana Whitt
Calvert County Dept. of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Vasak Variance 08-3498

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow disturbance to the expanded Buffer for construction of a screened pavilion, replacement of an existing deck, construction of another larger deck, and a variance for disturbance to slopes 15% or greater for temporary construction access. The 2.38 acre lot is designated as a Limited Development Area (LDA). In 1991, a Critical Area variance was issued for this property for construction of a new single family dwelling, deck and driveway with disturbance to the expanded Buffer and slopes greater than 15%.

While we do not oppose the proposed maintenance and repair of the existing deck, this office opposes granting the requested variance for further disturbance to the Buffer and to steep slopes for construction of an additional and larger deck and a screened in pavilion. The applicant already enjoys reasonable use of the property because it is developed with a dwelling, driveway and deck. While the first variance was necessary in order to reasonably develop the property with a dwelling, this second variance to build a second larger deck and pavilion in the Buffer is not.

Relevant Variance Standards

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards that an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards. It is this office's position that the applicant can not meet each one of

Calvert County's variance standards, and in particular, the applicant does not meet the standards included and discussed below.

11-1.01.B.6.c-the variance is the minimum adjustment necessary to afford relief from the regulations

The requested variance for construction of a deck and screened in pavilion in the expanded Buffer is not necessary for the applicant to gain relief from the regulations because the applicant already has a deck.

11-1.01.B.6.d-special conditions or circumstances exist that are peculiar to the land or structure within Calvert County and that a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship

Denial of the variance necessary for construction of the proposed deck and pavilion will not create an unwarranted hardship for the applicant, because this term has been defined by the General Assembly to mean reasonable and significant use of the entire parcel or lot. The property is already developed with a dwelling, deck and driveway and the applicant's inability to construct a second deck and pavilion does not interfere with the applicant's reasonable and significant use of the entire parcel or lot.

11-1.01.B.6.e-a literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County

A literal interpretation of Calvert County's regulation of slopes greater than 15% will not deprive the applicant of a right commonly enjoyed by other properties in similar areas, because it does not even deny this property of the right at issue. The property is already developed with a deck, and therefore, the applicant is not being denied the right to have a deck. The applicant has not shown that construction of a second deck is a right commonly enjoyed by properties in their area.

11-1.01B.6.f-the granting of a variance will not confer upon an applicant any special privilege that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. This office would not support similar variance requests to disturb the expanded Buffer where evidence has not been provided to show that it is necessary to locate a dwelling on the property. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

Ms. Roxana Whitt
February 22, 2008
Page 3 of 3

11-1.01B.6.h-the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law.

In contrast with the above standard, granting the requested variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The proposed deck and pavilion footprint within the Buffer prevent establishment of a vegetated Buffer in that area and such vegetation would provide benefits to fish, wildlife, and plant habitat. The applicant has not demonstrated that this proposal will not adversely affect water quality or adversely impact, fish, wildlife, and plant habitat. Therefore, we oppose the granting of a variance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: CA 15-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 27, 2008

Mr. William Lesko
Anne Arundel County
Department of Public Works
2662 Riva Road, MS 7301
Annapolis, Maryland 21401

Re: Poplar Avenue Sewer Extension
Consistency Report

Dear Mr. Lesko:

Thank you for providing the requested information regarding the required mitigation plantings for the above referenced project. The project is for the County Department of Public Works to extend an existing sewer line by 500 feet with approximately 3,000 square feet of disturbance from trenching. The project site is within the Critical Area and is designated as a Limited Development Area (LDA). The project will not create any new impervious surface area.

The applicant has shown that the proposed temporary impacts to 850 square feet within the 100-foot Buffer for the project will be mitigated at a 3:1 ratio with 23 trees and the one tree that will be removed outside of the Buffer will be replaced at a 1:1 ratio. As this office described in our November 26, 2007 letter, it appears that with this mitigation, the proposed project is consistent with the Anne Arundel County's Critical Area Program and will require no further Commission review or action.

We appreciate the opportunity to provide comments on this development proposal. If you have any questions, please contact me at 410-260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: AA 269-07
Richard D. Parks
Kelly Krinetz

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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February 27, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: West River United Methodist Camp
G 02013034, B02236185

Dear Mr Gerczak:

I have received revised plans for the above referenced proposed project. The applicant proposes construction of a new building to be used as a camp dining hall. The property is designated as a Resource Conservation Area and is currently developed with other camp related structures. It appears that the applicant has addressed this office's comments from my December 19, 2007 letter and we have no further comments at this time.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner
cc: AA 505-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Ren Serey
Executive Director

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March 3, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hock Inc./Three M, LLC
C 08-0011, G 02013308

Dear Ms. Krinetz,

I have received the above-referenced site plan for review. The applicant proposes to consolidate an existing five lot subdivision to create one lot, and to develop the property with parking lots and a modular office building. The 12.67 acre property is within the Critical Area with 2.3 acres designated as a Resource Conservation Area (RCA), 3.6 acres designated as a Limited Development Area (LDA), and 6.8 acres designated as an Intensely Developed Area (IDA). I have provided my comments below:

1. There are conflicting figures for the total proposed impervious area in the applicant's submitted materials. The Critical Area form indicates that 2.12 acres will be impervious area, while the stormwater report states that 2.32 acres of impervious area will be developed in addition to the modular office building. Also, the applicant's materials indicate that an additional 0.8 acre portion of the property may be developed as a parking lot in the future and it is unclear whether this area is included in the total impervious area calculations as is required. Please have the applicant resolve these inconsistencies and provide the correct proposed impervious surface acreage.
2. The plans show that there will be proposed disturbance within nontidal wetlands and the 25-foot nontidal wetland buffer on the site. Please confirm that the applicant has applied for the necessary permits from Maryland Department of the Environment (MDE) and for variances from Anne Arundel County for disturbance of these protected areas.
3. The 10% calculations must be revised. I have outlined the necessary revisions in the bullet points below:
 - The applicant must submit the existing and proposed impervious surface information for the project site in the relevant sections of the 10% calculation worksheets. This information is necessary in order to accurately determine the pollutant removal

requirement. Once the requirement is determined, then the applicant may demonstrate how this requirement will be addressed by the proposed Best Management Practices (BMP) in the appropriate section at the end of the worksheet.

- The stormwater narrative indicates that the applicant is using a rooftop disconnect credit to treat the stormwater runoff from the modular office building. In order to claim this credit, the plans must show that the runoff from this building will be directed to an appropriately sized pervious area in accordance with MDE's stormwater manual. Also, the applicant should include the impervious area of the office building on the first page of the calculations, and may make a notation that this area has been subtracted from the total proposed impervious area if the appropriate rooftop disconnect drainage area is demonstrated on the plans.
 - The Critical Area report indicates that the applicant is claiming a credit for the grass swale that connects with the extended detention pond. However, grass swales that are used to convey stormwater to a BMP such as the proposed extended detention pond do not qualify for credit as a separate treatment device. Therefore, please have the applicant complete the calculations as described above, and subtract only the credit for the extended detention pond instead of the pond and the grass swale conveyance.
 - Please explain why channel #2 is directing stormwater away from the proposed extended detention pond and directly to the existing woods.
 - We note that the applicant proposes to reforest the areas within the nontidal wetland buffers where clearing is proposed to construct the two proposed outfalls. However, it appears that the applicant proposes to grade these areas to construct a berm-like structure, which may require future cutting or clearing for maintenance. Please have the applicant clarify whether such maintenance of the outfall areas will be necessary and whether the proposed reforestation could be located elsewhere on the site.
 - The stormwater report indicates that infiltration will not be provided on the site due to the prior groundwater contamination on the property. However, several of the proposed stormwater treatment methods typically provide infiltration. Please clarify whether the proposed grass swales, extended detention pond, rooftop disconnect, and outfalls to wetlands will provide infiltration into contaminated soils on the property.
 - The applicant's submitted 10% calculations show that there will be treatment of an offsite drainage area, but it is unclear where this drainage area is located. Please have the applicant include this drainage area on a revised plan.
4. COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. Please provide a landscape plan demonstrating that this requirement has been addressed. Based on the current plans, it appears that more plantings could be located on the eastern portion of the IDA on this property.

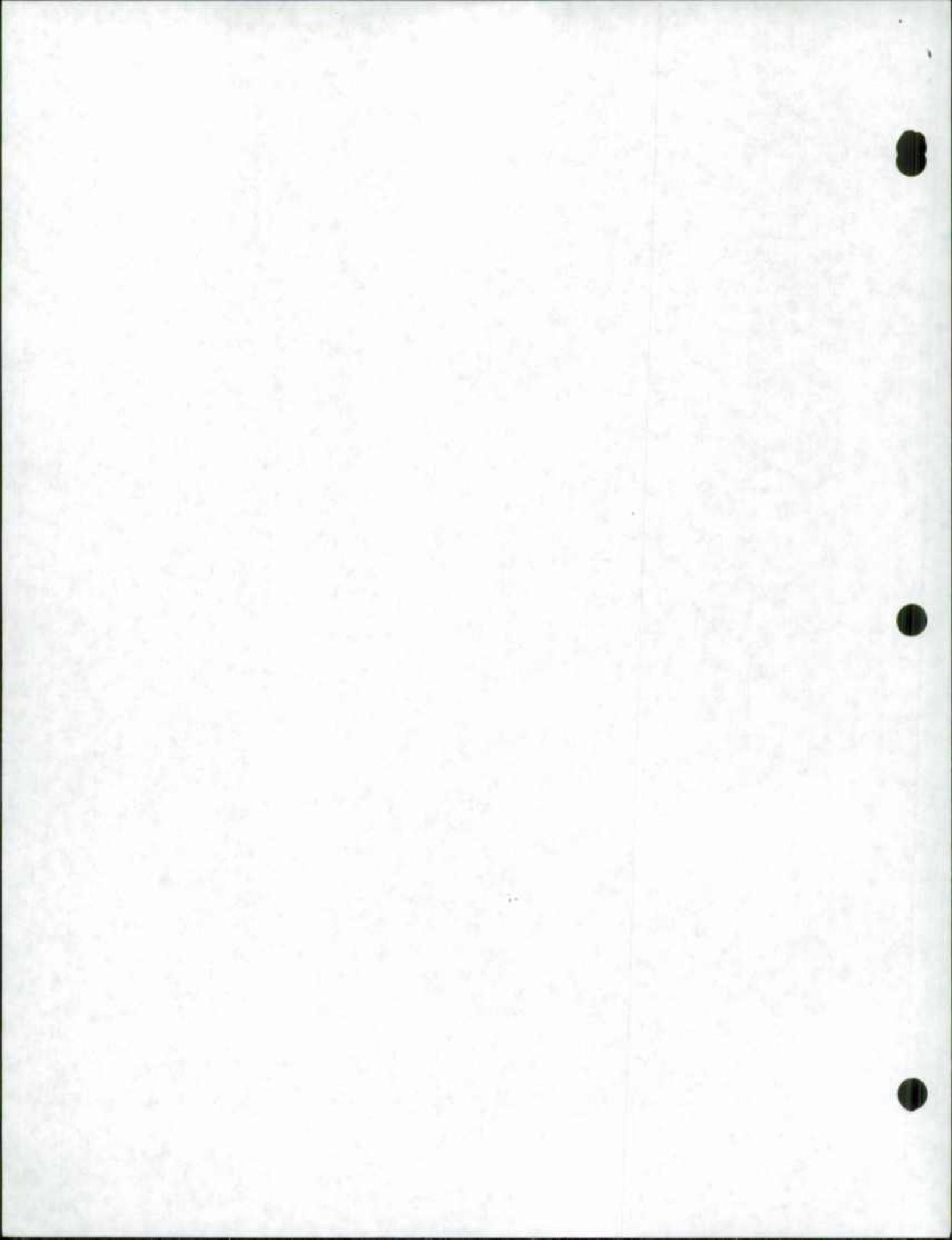
Ms. Krinetz
March 4, 2008
Page 3 of 3

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA 88-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 3, 2008

Dr. Beth Garraway
904 Creek Drive
Annapolis, MD 21403

Re: 906 Creek Drive redevelopment

Dear Dr. Garraway:

Thank you for taking your time to meet with us and discuss your concerns regarding the redevelopment of a neighboring property located at 906 Creek Drive and its impacts on the Critical Area. The property is located within the Critical Area, is classified as an Intensely Developed Area (IDA) and is mapped as a Buffer Exemption Area (BEA) within the City of Annapolis. As we discussed when we met, the City has a Critical Area Program that is approved by the Critical Area Commission. Based on the requirements of this program for redevelopment in the IDA and BEA, as well as the permit information provided by the City, it appears that the applicant has met all of the requirements under the City's Critical Area Program. I have discussed those requirements as they pertain to the above referenced site below.

Critical Area Requirements for the Redevelopment of 906 Creek Drive

- Redevelopment in an IDA-Any property that is redeveloped within an IDA must reduce the pollutants from stormwater runoff on that property by 10%. Residential property owners may provide this pollutant reduction through plantings on the property. According to the planting plan, the property owner is providing 25 trees and 80 shrubs on the property which is sufficient to address the 10% pollutant reduction requirement, as well as other mitigation requirements as discussed below. Properties that are redeveloped within an IDA are currently not subject to limitations for development on or near steep slopes.
- Redevelopment in a BEA-Properties that are within a mapped BEA are subject to adjusted Buffer setback and mitigation requirements due to the compromised function of the Buffer at the time the BEA was mapped .

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- BEA Mitigation Requirement-A property owner must provide mitigation at a 2:1 ratio for the area of disturbance located within the 100-foot Buffer. According to the property owner's Buffer Management Plan, the redevelopment of 906 Creek Drive created 753 square feet of disturbance within the Buffer and therefore the property owner must provide 1,506 square feet of plantings which could be addressed with clustered plantings of three trees and 15 shrubs. The property owner is providing 25 trees and 80 shrubs, which is a sufficient number of plantings to address both the 2:1 mitigation requirement, and the IDA 10% pollutant reduction requirement.
- BEA Buffer Setback- the City's method for determining the residential BEA setback line is outlined in Chapter 21.40.010 of the City's Code. The setback line is either a minimum of 30 feet from the shoreline, or "the depth determined by averaging the depth of existing waterway yards of all residences extending three hundred feet on either side of the subject property; except that if more than four residences are located within three hundred feet, the largest and smallest of the waterway yards shall not be used in determining the average depth." It is my understanding that the measuring method above establishes a setback line of approximately 83 feet from the shoreline on the 906 Creek Drive property. The redeveloped dwelling is 93 feet from the shoreline, or approximately ten feet farther away from the water than allowed with this setback line. Therefore, the redeveloped dwelling is outside of the minimum BEA setback required under the City's Critical Area Program.

City of Annapolis Zoning for 906 Creek Drive and Nearby Properties

In addition to the Critical Area regulations, the property at 906 Creek Drive is also subject to the City of Annapolis zoning regulations. Currently the property is zoned as R2, or a Single-Family Residence district. Within this zone, development is limited only by density and residential uses. There is a different and more restrictive zone that encompasses other nearby properties located south of Boucher Avenue and east of Adams Street. This more restrictive zone is R2-NC, or a Single-Family Residence Neighborhood Conservation district. The City's Zoning Code requires a heightened level of review for the redevelopment of properties within the R2-NC zone for the purpose of preserving "patterns of design and development in residential neighborhoods characterized by a diversity of styles." When a property owner proposes to redevelop a property located within this R2-NC zone, the site plan is subject to review by the City of Annapolis Department of Planning and Zoning. The Department may provide comments or requirements on the proposed project for preservation of historic structures, limitations on size of a proposed structure, compatibility of new construction with the character of the surrounding properties, and building setbacks. Further details regarding this zone can be found in the City's Zoning Code in Chapter 21.40. While the stated goals of this zone do not include environmental protection, it seems that if the 906 Creek Drive property

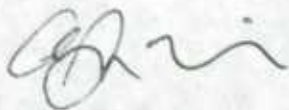
was in the R2-NC zone, the zone's provisions could have resulted in locating the house farther from the water.

As we discussed, it may be possible for the City to extend the more restrictive R2-NC zone to encompass more properties in your neighborhood. The steps that are involved in a proposed amendment to the City of Annapolis' zoning maps are outlined in the City's Zoning Code in Chapter 21.34.020. These include the following: 1) A pre-application conference with the Planning and Zoning Director who will forward the completed application for a zoning map amendment to the Planning Commission to make a recommendation to the City Council; 2) a review of the application by the Planning and Zoning staff and other City departments, and a report and recommendation completed by the Department of Planning and Zoning that is forwarded to the City's Planning Commission; 3) a public hearing held by the Planning Commission, which then makes written findings that it submits to the City Council; 4) the City Council introduces a draft ordinance and holds a public hearing on the ordinance; 5) the City Council votes on the ordinance. The City Council has six months from the date of the application to take an action on the requested map amendment.

A complete application for a zoning map amendment must include a written statement of how the proposed amendment conforms to the review criteria found in the City's Zoning Code Chapter 21.34.040, one of which is the ability to demonstrate that there has been a "substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification." The applicant must also include the names and addresses of all persons having a financial or vested interest in the proposed zoning map amendment.

I enjoyed meeting you and I appreciate your efforts to ensure that the City's waterfront resources are protected in harmony with the spirit and intent of the Critical Area law and criteria. I would be glad to meet with you to go over the information in this letter and to answer any other questions you may have about development within the Critical Area in the City of Annapolis. Please feel free to contact me at 410 260 3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: Sally Nash

Martin O'Malley
Governor



Anthony G. Brown
Lt. Governor

Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 4, 2008

Ms. Lori Allen
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: 6025 Belle Grove Road
Modification #9864, P 08-0040, S 91-126

Dear Ms. Allen:

Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the requested modification.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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March 4, 2008

Ms. Pam Cotter
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Glen Isle Lots 1&2- 2008-0006-V

Dear Ms. Cotter:

This office has received a variance request for the above referenced project. The applicant has requested a variance to allow disturbance to slopes greater than 15% for construction of a dwelling, garage, deck and driveway. The 13,806 square foot property is designated as a Limited Development Area (LDA) and it is currently undeveloped.

Based on the information provided, it appears that minimization of the proposed impacts to steep slopes is possible. This office acknowledges that some degree of variance is likely necessary to provide reasonable use of the property and as such, this office would not oppose an amended variance request which demonstrated that the proposed construction was the minimum necessary disturbance in order to develop the grandfathered lots. For instance, it appears that the size of the proposed garage is excessive given the small size and environmental constraints of the lots. It seems that the proposed garage could be reduced in size, incorporated into the design of the house, or removed from the proposed plans. Also, we recommend that the applicant provide stormwater management on the site for the proposed impervious surfaces. The applicant should also provide mitigation plantings at a ratio of 3:1 for the total area of disturbance to the steep slopes.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


Amber Widmayer
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Ren Serey
Executive Director

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March 4, 2008

Ms. Pam Cotter
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Ameri-Star Home, Inc.- 2008-0028-V

Dear Ms. Cotter:

This office has received a variance request for the above referenced project. The applicant has requested a variance to allow disturbance to nontidal wetlands and their 25-foot buffers for construction of a dwelling, garage, and driveway. The 9,500 square foot property is designated as an Intensely Developed Area (IDA) and it is currently undeveloped.

Based on the information provided, it appears that minimization of the proposed impacts to nontidal wetlands and their buffers is possible. This office acknowledges that some degree of variance is likely necessary to provide reasonable use of the property and as such, this office would not oppose an amended variance request which demonstrated that the proposed construction was the minimum necessary disturbance in order to develop the grandfathered lots. For instance, it appears that the extent of the proposed clearing, 9,440 square feet of the 9,500 square feet of existing forested area, is excessive given that all of this clearing is within the nontidal wetland and its buffer. It also seems that the proposed house and garage could be reduced in size, or that the garage could be removed from the proposed plans. Additionally, it appears that if the proposed house were located closer to the existing road, this would allow for a shorter driveway and less clearing within the entirely forested property. The applicant must also show that they will address the 10% pollutant reduction requirement on site for development within an IDA.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450





Amber Widmayer
Natural Resources Planner
cc: AA74-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



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Ren Serey
Executive Director

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March 6, 2008

Mr. Tom Smith
City of Annapolis
Department of Planning and Zoning
145 Gorman Street
Annapolis, Maryland 21401

Re: Clay Street Redevelopment
City of Annapolis

Dear Mr. Smith:

Thank you for forwarding the above-referenced project proposal for the Clay Street redevelopment project. The 6.12 acre property is in the Critical Area with 0.17 acres designated as a Resource Conservation Area (RCA) and 2.62 acres designated as an Intensely Developed Area (IDA). The project proposes the removal of several existing multi-family housing buildings, and construction of new multifamily housing buildings and single family attached homes. Due to the extent of the proposed disturbance from grading within the Buffer, the proposed project will need to be presented to the Critical Area Commission for conditional approval.

The City may seek a conditional approval from the Critical Area Commission for approval of a project on City lands under Code of Maryland Regulations 27.02.06 'Conditional Approval of State or Local Agency Programs in the Critical Area'. Under this section, if development proposed by a State or local agency located in the Critical Area is prohibited from occurring then the agency proposing the development may seek conditional approval for the project.

In order for the Critical Area Commission to process this request as a conditional approval, the applicant must submit information demonstrating how the proposed project meets the following criteria.

In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

B.(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

B.(3) That the project or program is otherwise in conformance with this subtitle;

The conditional approval request shall, at a minimum, contain the following:

C.(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;

C.(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

C.(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

In addition to providing the information above, a complete application will include any necessary State or local agency permits, a letter from Maryland Department of Natural Resources, Wildlife and Heritage Service stating that the proposed project will not impact rare, threatened or endangered species, and a letter from the Maryland Historical Trust that the proposed project will not impact any historic resources.

As soon as we receive your complete application, we will be able to schedule the presentation of your proposed project on the agenda for a Critical Area Commission meeting. Projects must be received at least one month prior to the next scheduled Commission meeting in order to be included on that meeting agenda. The Commission meets on the first Wednesday of each month, and the schedule is posted at <http://www.dnr.state.md.us/criticalarea/aboutthecommission>.

This office has reviewed the submitted project plans and we have provided comments and recommendations below:

- 1) Please provide drainage maps for the site and more detailed information about the best management practices, including a cross section of the proposed infiltration trenches. Also, please provide a drainage map and a description of the offsite area that will be treated by one of the proposed infiltration trenches as described on page 23 of the applicant's stormwater management computations. If treatment of

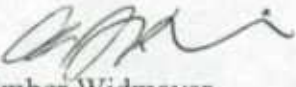
Mr. Smith
March 6, 2008
Page 3 of 3

offsite areas will be provided in order to address the pollutant reduction requirement, this should be shown on worksheet B, which is available at the Commission's website, at the following web address:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.

- 2) According to our records, it appears that there may be a small area of tidal wetlands along the shoreline of the property. If so, please include this feature on future plans and confirm that the 100-foot Buffer has been mapped from the edge of the tidal wetlands based on a field delineation.
- 3) COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. It appears that more plantings could be located in the Buffer that is within IDA on this property. Please provide a revised landscape plan demonstrating that this requirement has been addressed, or an explanation for why more plantings are not practicable in the Buffer within the IDA.
- 4) A portion of the 40-foot right of way for proposed Road A is located within the 100-foot Buffer. Please clarify how much of the proposed right of way will be paved road or sidewalk, as opposed to pervious surface.
- 5) Please quantify the total area of disturbance within the Buffer for grading, clearing, and the footprint of structures such as the proposed road.
- 6) With the exception of the proposed Buffer plantings, many of the proposed plant species for the project are non-native. We recommend that the applicant revise the proposed planting list to include more native species of plantings. A list of such native plants can be found in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed document which is available at <http://www.nps.gov/plants/pubs/chesapeake/>.

Please feel free to contact me at 410-260-3481 if you have any questions.

Sincerely,


Amber Widmayer
Natural Resources Planner

cc: AN 87-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 10, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Robin Property, 2996 Friends Rd.
Modification # 9796, G 0201298

Dear Ms. Krinetz:

Thank you for forwarding the revised plans for the above referenced modification request. The applicant proposes to remove an existing poolhouse, driveway and walkway on an existing lot, and to construct a new dwelling. The 7,827 square foot property is currently developed with the above described uses, is designated as an Intensely Developed Area, and is mapped as a Buffer Modification Area. The applicant has addressed this office's comments from my January 7, 2008 letter. This office does not oppose the requested modification. However we suggest that the applicant provide a greater variety of native plantings than what is shown on the plans. A list of additional native plantings can be found at in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed document which is available at <http://www.nps.gov/plants/pubs/chesapeake/>

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,


Amber Widmayer
Natural Resources Planner
cc: AA 728-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 11, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Redmund Property/ 1927 Montevideo Rd.
Modification #9865, P 08-0039, S 05-005

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the requested modification.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 11, 2008

Mr. Jeffrey Morris
Environmental Division Director
PWD Annapolis (USNA)
181 Wainwright Rd MS21A
Annapolis, MD 21402

Re: Brigade Sports Complex, USNA
Anne Arundel County

Dear Mr. Morris:

This office has received updated plans for the above-referenced project for review and comment. The project includes a sports facility building, tennis courts, an artificial turf rugby field, a stormwater management facility, and a mitigation planting area. The project site is considered an area that is not intensely developed, and much of the project is already constructed. I have provided my comments on the project below:

- 1) Please have the applicant clarify whether the area of the proposed rugby field has been included in the total impervious surface area calculations for the project.
- 2) The plans show that construction of the proposed stormwater management pond will require grading of slopes greater than 15% which is inconsistent with the Critical Area Law and Criteria for areas that are considered not intensely developed. Therefore, this facility should be reconfigured so that no disturbance of steep slopes is required.
- 3) The planting plan for the mitigation area shows that the plantings will be provided in clusters with a mix of trees of various sizes and shrubs, which is consistent with this office's goals of establishing a diverse vegetative community and quality forested habitat for wildlife. However, the plans show that the applicant proposes to mow 10-foot corridors between these planting clusters, which would seem to disrupt the planting area from functioning as contiguous forest habitat. Please have the applicant clarify the purpose of the proposed mowing.

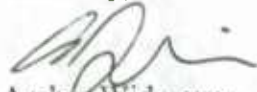
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- 4) The proposed number of seedlings within the planting clusters appears to be too high for long term viability. Typically, this office recommends spacing a two-inch caliper tree with a 10-foot center, and seedlings with a seven-foot center. Please have the applicant provide more information about the spacing of the proposed plantings, or reconfigure the proposed plantings as described above.
- 5) We recommend that the mitigation planting area be placed in a conservation easement or under a similar protection.

Please have the applicant provide revised plans as they become available for this office's review. Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: 9-06 FED
Elder Ghigiarelli

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 11, 2008

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Finizio, Tobin Family Subdivision
S 04-132, P 04-0242

Dear Ms. Shatt:

Thank you for forwarding the above-referenced subdivision request. The applicant proposes to subdivide an existing 28.56 acre property into five lots with construction of a single family dwelling and driveway on each lot, construction of a road, and several conservation parcels and open space parcels. 22.73 acres of the property are within the Critical Area, are designated as a Resource Conservation Area (RCA) and at least a portion of all five proposed lots are within the Critical Area. The property is currently undeveloped. I have outlined my comments below:

1. It is unclear how the proposed subdivision can be approved without the requisite RCA acreage of 20 acres per lot. There are only 22.73 acres of RCA on the property, and Anne Arundel County's Critical Area Program no longer contains intrafamily transfer provisions that would allow subdivision of RCA property into lots that are not associated with the minimum 20 acres of RCA. While we recognize that this subdivision application was initiated in 2004, without any grandfathering provisions in the County's Code for processing subdivision applications initiated prior to the removal of the intrafamily transfer provisions from the Code, it does not appear that the proposed subdivision within the RCA can be approved. Even if the intrafamily transfer provisions remained in the County Program, the proposed number of new lots, conservation properties and open space parcels within the existing RCA would not be permitted, since Maryland Code § 8-1808.2(e)(3) only provides that "a parcel that is 12 acres or more and less than 60 acres in size may be subdivided into three lots." In contrast, there are portions of five of the proposed lots partially within the RCA.
2. According to our records, the majority of the property is mapped as Forest Interior Dwelling Birds (FIDs) habitat. Where disturbance of FIDs habitat is proposed, the applicant must complete and submit a FIDs worksheet in order to calculate the extent and type of disturbance to the existing FIDs habitat, and the resulting mitigation requirement for the disturbance. Additionally, a habitat protection plan may be necessary. While the applicant notes that they have generally met the guidelines for minimization of disturbance to the FIDs habitat by

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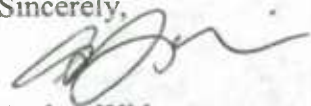
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proposing development on the edge of the canopy, mitigation for the disturbance is still required and the worksheet must be provided.

3. Please provide information about the environmental protections that are associated with a conservation property designation as distinguished from an open space property designation. We recommend that these areas be placed in a forest conservation easement to ensure that there will be no future cutting or clearing in these areas. Also, if the proposed conservation and open space areas will be subdivided as separate parcels from the residential lots, please have the applicant include notations on the plat and plans that no development rights are associated with these parcels, that no development activities or impervious surfaces are allowed within the parcels, and only passive recreational uses of these areas are allowed.
4. According to our records, there is a large tidal wetland on the northern end of proposed lot one. Please have a certified wetland delineator confirm whether this is the case and include it on future plat submittals where appropriate.
5. The applicant must obtain a permit from Maryland Department of the Environment (MDE) for the proposed disturbance of the 25-foot nontidal wetland buffer for placement of an outfall.
6. We note that the applicant has indicated that the 20-foot wide access to a recreation area will only be used as a 6-foot wide path. While this office does not object to such paths, they should not require clearing of existing forest or grading, especially on properties such as this where such a path would create unnecessary fragmentation in the FIDs habitat canopy. The path should be pervious and surfaced with mulch. Please have the applicant confirm that the path will meet the above criteria.
7. Please have the applicant obtain and submit a recent letter from Maryland Department of Natural Resources Wildlife Heritage Service (WHS) confirming that there are no rare, threatened or endangered species or other Habitat Protection Areas on the property. We note that there is a WHS letter in the file dated December 18, 2003. However, this office requires a WHS letter that is no more than two years old from applicants to verify current conditions on the property.

Given that this office's concerns and questions about the proposed subdivision are significant, I am happy to meet with County staff and the applicant to discuss the project and visit the property if necessary. Please feel free to contact me at (410) 260-3481 to set up such a meeting or to ask any questions. Thank you for the opportunity to comment.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 863-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 12, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Johnson, Anna
S 07-006, P 07-0013-1

Dear Mr. Burke:

Thank you for forwarding the revised plans for the above referenced subdivision request. The applicant proposes to subdivide an existing undeveloped nine-acre parcel into three new lots, and to construct a dwelling and driveway on each proposed lot. 6.51 acres of the property are within the Critical Area and are designated as a Limited Development Area (LDA). It appears that the applicant has addressed most of this office's previous comments from my November 21, 2007 letter. I have outlined my remaining comments below:

1. An area equal to 80% of the 6.34 acres of existing forested area must be placed in a conservation easement, in accordance with COMAR 27.01.02.04.C(3)(c). Currently, only 4.64 acres or 73% of the existing forested area is shown in a forest conservation easement. The plans should be modified accordingly.
2. Please have the applicant add a note to the plans that quantifies the required mitigation plantings for the proposed clearing, and describes how the requirement will be met.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner
cc: AA 42-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 13, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Knox, June
S 07-041, P 07-0113

Dear Mr. Burke:

Thank you for forwarding the above-referenced subdivision request. The applicant proposes to subdivide an existing 1.14 acre parcel into two lots, and to build a new dwelling and driveway on each of the two proposed lots. The property is classified as a Limited Development Area ("LDA") and is currently undeveloped. It appears that the applicant has addressed some of this office's comments from my October 23, 2007 letter. I have my provided my comments below.

1. There is a feature on the plans labeled as an expanded Buffer. It is unclear what this feature represents since it does not appear that the Buffer is expanded for steep slopes and the applicant has stated that it has not expanded the Buffer to include contiguous hydric soils. Please clarify what this expanded Buffer is meant to represent.
2. We recommend that the applicant include a notation on the plat and plans that there will be a shared pier for the two lots. Doing so will ensure that the extent of potential disturbance to the Buffer and tidal waters for pier construction will not be doubled as a result of this subdivision.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: AA 371-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 13, 2008

Mr. Jimmy Sharp
Wicomico County
Department of Planning, Zoning, and Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: Denisof/Gunter Subdivision
S 06-050, P 06-0109

Dear Mr. Sharp:

Thank you for forwarding the above mentioned subdivision application. There are 11.71 acres of the 14.38 acre property that are within the Critical Area and are designated as a Resource Conservation Area (RCA). The applicant proposes to relocate an existing boundary line between two existing parcels, which will have the effect of consolidating two existing parcels in the RCA into one parcel within the RCA and one parcel outside of the Critical Area, and as a consequence, decreasing the allowable development within the Critical Area portion of the property from two dwelling units to one. The property is currently developed with one dwelling which will remain within the proposed parcel that is outside of the Critical Area, and no new development is proposed at this time on the property. I have outlined my comments below:

1. Please have the applicant add the 100-foot Buffer to the proposed plat. Also, we note that the majority of the soils on the property are considered hydric and the Buffer may need to be expanded to include these soils if future development is proposed within the Critical Area portion of the property.
2. While this office recognizes that no development is proposed in conjunction with the proposed subdivision at this time, we note that future development of proposed parcel 120 may be limited based on the apparent presence of wetlands and Forest Interior Dwelling Birds (FIDs) habitat on the site. Accordingly, we recommend that the applicant place the following notations on the proposed plat:
 - Future development of this property will require a wetlands survey by a certified wetland delineator.

Mr. Sharp
March 13, 2008
Page 2 of 2

- Future development of this property will require the review of Maryland Department of Natural Resources Wildlife Heritage Service to identify the presence of any rare, threatened or endangered species on the property, and to specify any necessary measures to be taken for protection of the species.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: WI 89-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 13, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Ambar, LLC Siteplan
C 07-0096

Dear Ms. Krinetz,

I have received additional information for review regarding the above-referenced siteplan. The applicant proposes to remove an existing commercial building and construct a new commercial building and two parking lots on an existing 1.23 acre lot. The property is classified as an Intensely Developed Area (IDA).

1. As requested, the applicant has provided the 10% pollutant reduction calculations. The applicant proposes to meet the pollutant reduction requirement with a grass channel credit. However, grass channels are intended for treatment of roads and other impervious surfaces with an impervious flow path length not more than 75 feet in width. Therefore, the applicant must provide another treatment option to provide the 10% pollutant reduction. For instance, it appears that there is room on the site to install a perimeter sand filter.
2. It appears that there is a pollutant removal requirement of 1.2 pounds of phosphorous per year when the 10% calculations are completed for this project without the grass channel credit. Please have the applicant submit revised 10% calculations to confirm that this is the case, and revised plans showing how the pollutant removal requirement will be addressed on the site.
3. COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. Please provide a landscape plan demonstrating that this requirement has been addressed. If the applicant is unable to address the whole pollutant removal requirement with a BMP onsite, it is possible that some plantings may count toward meeting the remaining portion of the requirement.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

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Ms. Krinetz
March 13, 2008
Page Two

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber', with a stylized flourish at the end.

Amber Widmayer
Natural Resources Planner

cc: AA 622-07
Pam Cotter

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 14, 2008

Mr. Tom Burke
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Spruill Farm Subdivision
S 07-047, P 07-0130

Dear Mr. Burke:

Thank you for forwarding revised materials for the above referenced subdivision application. The applicant proposes to subdivide an existing parcel into two lots with retention of the existing structures. The portion of the existing lot that is in the Critical Area is designated a Resource Conservation Area (RCA) and is currently undeveloped, while the portion of the lot outside of the Critical Area is developed with a dwelling and barns. The applicant has addressed this office's comments from my December 21, 2007 letter and I have no remaining comments on the project at this time.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 454-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 14, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: South River Park lots 12 & 13 Section G
S 94-055, P 07-0218

Dear Mr. Gerczak:

Thank you for forwarding the above-referenced subdivision application. The applicant proposes to re-subdivide two existing lots into 3 lots, to retain the existing dwelling on one of the lots, and to construct a new dwelling on each of the other two lots. The 31,972 square foot property is designated as an Intensely Developed Area (IDA). It does not appear that the applicant has addressed this office's comments from my December 17, 2007 letter. Therefore, I have included those comments below:

1. The applicant must complete and submit the 10% pollutant reduction worksheets that are available on the Commission's website at the following website, http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html, and show on the plans how the required pollutant load reduction will be addressed on the site.
2. It appears that the proposed dwellings will require removal of some existing trees on the property. We recommend that clearing be minimized where possible, and that new trees and shrubs be planted on the site where feasible. Please have the applicant submit a landscaping plan which demonstrates planting of pervious areas to the extent possible, in accordance with COMAR 27.01.02.03(4).

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner
cc: AA 684-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 14, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Karr, Dorothy Property
S 06-050, P 06-0109

Dear Mr. Burke:

I have received a resubmittal for the above referenced subdivision request. The revised subdivision proposal is the subdivision of an existing 9.41 acre parcel into two residential lots with construction of a single family dwelling on each lot, and the creation of a bulk parcel. 1.48 acres of the property are within the Critical Area, are designated as a Resource Conservation Area (RCA), and are not included within the proposed two residential lots.

The applicant has addressed this office's comments from my December 10, 2007 letter and I have no remaining comments on this project. Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 668-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Sercy
Executive Director

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March 14, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Powhattan Beach lot 19, Duvall
S 02-033, P 07-0197

Dear Mr. Burke:

Thank you for forwarding revisions to the above referenced subdivision application. The application is for the subdivision of an existing non-conforming lot with two existing dwellings into two conforming lots. The property is designated as a Limited Development Area (LDA) and it does not appear that any new development is proposed on the property. The applicant has addressed some of this office's comments from my December 10, 2007 letter. I have provided my comments below.

- 1) In this office's last comment letter, we recommended that the applicant reestablish the 100-foot Buffer with native trees and shrubs to provide water quality improvements to some of the stormwater runoff from the excess impervious surface area on the property. In response, the applicant has stated that plantings will be provided if required through the impervious surface variance process. However, the plat and plans currently indicate that, "the applicant shall provide reforestation/buffer plan, bond and agreement satisfactory to the Permit Application Center prior to subdivision approval." Since this note appears to indicate that the applicant is already required to provide Buffer plantings at the subdivision stage as a condition of the previously granted variance #2006-0065-V, the applicant should provide a planting plan showing that the Buffer will be reestablished with native trees and shrubs as requested by this office before the subdivision is approved.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

TTY for the Deaf

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Mr. Burke
March 14, 2008
Page Two

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber', with a stylized flourish at the end.

Amber Widmayer
Natural Resources Planner
cc: AA 651-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

www.dnr.state.md.us/criticalarea/

March 14, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: The Villas at Severna Park
S01-038, Tax Map 32H, Parcel 148

Dear Ms. Krinetz:

Thank you for providing information regarding the above referenced revised subdivision. The applicant is proposing to subdivide a 24.94 acre property, 6.04 acres of which are located within the Critical Area and are designated as a Limited Development Area (LDA). Within the Critical Area, it appears that portions of four new lots are proposed in addition to a roadway and recreation area. It appears that the applicant has addressed most of this office's comments from my November 29, 2007 letter. I have outlined my remaining comments below:

1. The applicant has provided the proposed impervious surface areas for each proposed lot within the Critical Area as requested. Please provide further information about the proposed impervious surfaces on the property as described below:
 - We note that a portion of the proposed driveway for lot 26 is within the Critical Area, even though the lot lines for lot 26 are not. Because this proposed impervious surface area appears to be within the boundaries of lot 27, please confirm that the area for both driveways is included within the proposed impervious surface calculation for lot 27. If the driveway for lot 26 is not already included in the proposed impervious surface area for lot 27, perhaps a shared driveway could be used for both lots within the Critical Area.
 - There is a portion within the proposed recreation area that fronts Dividing Creek Road which is identified as an active recreation area. Please provide proposed impervious surface area calculations for this area.
 - Please provide calculations confirming that the entire portion of the property that is within the Critical Area, including the previously developed condominium area, is less than 15% impervious surface area.

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2. We note that the applicant has requested a current Wildlife and Heritage Service evaluation of the property from DNR to ensure that no new species have been located within the Critical Area portion of the property in the last several years. Please provide a copy of this letter once it is received.
3. The applicant has noted that 70% of the existing forested area within the Critical Area, or 3.95 acres, has been placed in a conservation easement. However, it is unclear where these 3.95 acres are located. I was only able to locate the 1.05 acres of protected forested area labeled as "Critical Area Conservation Property." Please clarify where the other 2.9 acres of protected forested area is located within the Critical Area on the property. Also, please include this conservation easement area on the plat.

Thank you for the opportunity to provide comments for this revised subdivision plat. Please have the applicant address the comments above and submit a revised subdivision plat. If you have any questions, please contact me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
AA381-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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March 14, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Severndale South
S 75-035, P 07-0180

Dear Ms. Krinetz:

Thank you for forwarding revised information for the above-referenced subdivision. The applicant proposes to divide an existing undeveloped 3.5 acre parcel into a ten-lot subdivision. 1.06 acres of the undeveloped 3.5 acre parcel are within the Critical Area, are designated as a Limited Development Area (LDA), and four of the proposed lots are partially within this area. The applicant has addressed most of this office's comments from my November 10, 2008 letter and I have outlined my remaining comments below:

1. Please clarify whether the proposed forest conservation areas that are within the Critical Area will be placed in a forest conservation easement. If not, this office recommends that the applicant do so to ensure that these areas are protected from future cutting and clearing.
2. It appears that the 0.45 acre area labeled as forest conservation area A includes existing forested areas within the proposed lots 7, 8, 9 and 10. If so, this office recommends that the lot lines be reconfigured if possible so that they do not extend into the forest conservation area.
3. It is unclear whether the proposed forest conservation area A overlaps with proposed open space area A. If so, please have the applicant confirm that this area will only be used for passive recreation. Also, please include a notation on the plat and plans stating that no development, structures or impervious surfaces may be located in this area, and additionally no cutting or clearing of vegetation within this area is allowed.
4. Please have the applicant provide fencing or signage where the proposed forest conservation areas abut the proposed lot lines to provide future property owners with notice that no encroachment into these areas is allowed.

Ms. Krinetz
March 14, 2008
Page Two

5. We note that the applicant has indicated that the required reforestation mitigation will be provided either offsite or through a fee in lieu payment. Please have the applicant include that the mitigation requirement appears to be 16,652 square feet of plantings.
6. Please indicate whether there will be any impervious surfaces within proposed open space B. If so, include this impervious area with the impervious surface calculations on the plans.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA 610-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 17, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Smoke Park Restoration, U.S. Naval Academy
Anne Arundel County

Dear Mr. Ghigiarelli:

This office has received additional information regarding the above-referenced project for review and comment. The project is to remove and reconfigure the existing paved areas, sidewalks and landscaping between King Hall and Mitscher Hall. It appears that the entire project site is in the Critical Area and is not within the 100-foot Buffer.

It is this office's understanding that some of the proposed plantings for the project conflict with the Anti-terrorist/Force Protection (ATFP) requirements that prohibit anything near the buildings that can conceal a six-inch bomb. This office is comfortable with the applicant substituting the conflicting plantings with native plantings that will not conceal a six-inch bomb. If there are no such native plantings, this office is comfortable with the applicant substituting the plantings that are proposed near the buildings with other plantings as necessary, provided that the species chosen are not considered invasive within the Chesapeake Bay region.

Provided the applicant follows this office's recommendations described above to the extent feasible, Commission staff finds this application to be consistent with the goals and objectives of the Critical Area Law and Criteria.

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Mr. Ghigiarelli
March 17, 2008
Page Two

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'AW', with a small flourish at the end.

Amber Widmayer
Natural Resources Planner

cc: FED 64-07
Jeff Morris

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 18, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Griffin, Robert Property Replat

Dear Ms. Vidotto:

Thank you for forwarding information regarding the above-mentioned replat of a 24,469 square foot lot that appears to be currently developed with a house, driveway and pier. The property is within the Critical Area and is designated as a Limited Development Area (LDA).

The applicant proposes to establish lateral lines with a reduced setback. It appears that the lateral lines and setback are waterward of the mean high waterline on the property. It does not appear that the applicants' request will raise any Critical Area issues and accordingly this office does not have any comments on the proposed replat at this time.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner
CA 115-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 18, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: SD 02-08A-Harbours at Solomons

Dear Ms. Vidotto:

I have received revised check print plats for the above referenced subdivision. This subdivision is to be developed according to the terms of the Letter of Understanding signed by the applicant who is CG Solomons Marina LLC, the Calvert County Planning Commission, and this office.

- 1) We note that the above mentioned parties have agreed that the development will be conducted according to the terms of the Letter of Understanding, and that the applicant must first show how these terms will be addressed in a final stormwater management plan and a final landscaping plan before plats may be recorded.
- 2) This office notes that the applicant has included plat notes stating that there is at least a 50-foot Buffer from nontidal wetlands and a 100-foot Buffer from tidal waters on wetlands on the plat sheets which appear to show lines that are meant to represent these Buffers. Please have the applicant identify the shown Buffers on the plat as a Buffer to a nontidal wetland, a tidal wetland, or tidal waters as applicable.

Thank you for the opportunity to provide comments. Please feel free to contact me with any questions at 410-260-3481.

Sincerely,

Amber Widmayer
Natural Resource Planner
CA 474-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 19, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Marcus Woo, Lot 36 Willowswood
Plat Revision

Dear Ms Vidotto:

Thank you for forwarding information regarding the above-referenced plat revision. The applicant is revising an existing plat for the purpose of abandoning a 10,000 square foot septic recovery area, and to revise the acreage, 100-foot Buffer, expanded Buffer, and ten-foot setback based on the field located shoreline as of April 24, 2007. The property is currently undeveloped and is designated as a Resource Conservation Area (RCA). The applicant has addressed this office's comments from my January 25, 2008 letter and I have no remaining comments at this time.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: CA 115-07
CA 529-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Ren Serey
Executive Director

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MEMORANDUM

To: Roland Limpert, Environmental Review Unit

From: Amber Widmayer *ATW*

Date: March 20, 2008

RE: Denny L. Howell, II, Anne Arundel County (200860706)

This office has received the review notice for the above referenced project. It appears from the submitted materials that the applicant proposes to construct a single family dwelling and driveway on a grandfathered lot with disturbance to wetlands.

It appears that the site is within the Critical Area and is partially designated as a Resource Conservation Area (RCA) and partially designated as a Limited Development Area (LDA). Accordingly, the project must meet Anne Arundel County's Critical Area Program requirements for development within an RCA and LDA, including the 15% impervious surface limit, forest clearing limitations, and allowable uses within the RCA.

Also, it appears that the applicant has determined based on a field delineation that the wetlands on the property that will be disturbed are nontidal wetlands and not tidal wetlands. This office notes that even if the applicant obtains the necessary wetland permits from the Maryland Department of the Environment (MDE) for nontidal wetland disturbance, the applicant will also have to seek and obtain an Anne Arundel County Critical Area variance for disturbance within the expanded Buffer. The 100-foot Buffer to tidal waters and wetlands is expanded when it is contiguous to hydric soils, as is the case on this property where the tidal waters are contiguous with the nontidal wetlands. Mitigation for this Buffer disturbance may be required in addition to any mitigation that is required by MDE for the wetland disturbance.

We recommend that the project implementation be coordinated with Anne Arundel County and Critical Area Staff to make sure that any Critical Area issues are adequately addressed at both the State and local levels. Thank you for the opportunity to review this proposal. If you have any questions, please call me at 410-260-3481.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 20, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: St. Jerome's Creek/Blackwell SD 06-17


Dear Ms Vidotto:

Thank you for forwarding information regarding the above-referenced subdivision application. The applicant proposes to subdivide an existing 1.846 acre parcel into four lots. The property is within the Critical Area and it is classified as a Limited Development Area (LDA). The property is currently undeveloped and no development of the property is proposed at this time. I have outlined my comments below:

- 1) Please include a note on the plan that indicates that upon future development of lot 2, the lot is subject to all applicable LDA requirements including tree clearing and impervious surface limits, and the minimum 15% forest cover.
- 2) Please forward a copy of the Department of Natural Resources Wildlife Heritage Service review letter to this office to confirm that there are no rare, threatened or endangered species on the property.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,


Amber Widmayer
Natural Resource Planner
CA 135-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 20, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Dowell MSD 07-28-44

Dear Ms Vidotto:

Thank you for forwarding information regarding the above-referenced subdivision application. The applicant proposes to subdivide an existing 2.58 acre parcel into one 0.69 acre lot, a 1.86 acre residue and a 0.026 acre widening strip. The property is within the Critical Area and it is classified as a Limited Development Area (LDA). The property is currently undeveloped and no development of the property is proposed at this time. I have outlined my comments below:

- 1) Note 11 on the plans is misleading in that it appears to state that the property is exempt from forest retention requirements. While the property is not subject to these requirements under the general Forest Conservation section of the County's Code, it is still subject to the forest retention requirements under the County's Critical Area program. Therefore, we recommend plat note be amended to more clearly reflect the applicable requirements.
- 2) Please include a note on the plan that indicates that upon future development of lot 2, the lot is subject to all applicable LDA requirements including tree clearing and impervious surface limits, and the minimum 15% forest cover requirement.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,

Amber Widmayer
Natural Resource Planner
CA 103-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 20, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Heritage Harbour Community Lodge Expansion
C08-0017, G02013333

Dear Ms. Krinetz:

Thank you for forwarding plans for the above-referenced subdivision request. The applicant proposes to construct a two story addition to an existing community building, to replace a retaining wall, repave and expand the driveway to accommodate a fire lane. The 13.78 acre parcel is within the Critical Area and is designated as a Limited Development Area (LDA). I have outlined my comments below:

1. According to the Critical Area Report and the plans, the property is 13.78 acres with 125,604 square feet of existing impervious surface area and 128,041 square feet of total proposed impervious surface area. If these numbers are correct, the property is already developed in excess of the 15% limit for impervious surface area within and LDA and no additional impervious surface areas are permitted in the absence of the applicant seeking and obtaining an impervious surface variance.
2. It appears that the proposed stairs and walkway will require disturbance within slopes greater than 15% which is not permitted without a variance. Accordingly the applicant must relocate the stairs so that no such disturbance is proposed, or the applicant must seek and obtain a steep slope variance from the County.
3. As it is currently shown on the plans, the 100-foot Buffer is contiguous with slopes greater than 15% and must be expanded to include these slopes. Please have the applicant include the expanded Buffer on revised plans.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

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Ms. Krinetz
March 20, 2008
Page Two

A handwritten signature in dark ink, appearing to read 'Amber Widmayer', is positioned above the printed name.

Amber Widmayer
Natural Resources Planner

cc: AA 49-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 20, 2008

Ms. Pam Cotter
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Heritage Harbour Community Lodge Expansion
2008-0139-V

Dear Ms. Cotter:

Thank you for forwarding information about the above-referenced variance request. The applicant has requested a variance to allow an addition to a commercial building with less setbacks and Buffer than required and with disturbance to slopes 15% or greater. The proposed building addition involves expansion of an existing building, replacement of an existing retaining wall, construction of an exterior stairway and the repaving and expansion of the existing driveway to accommodate a fire lane. The 13.78 acre parcel is within the Critical Area and is designated as a Limited Development Area (LDA).

It appears that the existing development on the property pre-dates the County's Critical Area program. Because the proposed expansion of the existing building is located within an already developed impervious surface area, and because the proposed driveway expansion, its associated retaining wall replacement and the exterior stairway are required to provide fire and emergency access, this office does not oppose the requested variance for disturbance within the expanded Buffer for construction of these improvements.

However, the 13.78 acre property is currently developed with 125,604 square feet of impervious surface area or 21% of the property, which is in excess of the County's 15% limit for property within the LDA. While we note that the County has provided a letter indicating that the applicant is allowed to calculate the 15% impervious surface limit based on the impervious surface area within the subdivision as a whole, the County's Critical Area program does not contain provisions that would allow for a property larger than one acre to be developed in excess of the 15% impervious surface limit, regardless of the total area of impervious surface within the subdivision. Therefore, no additional impervious surface area is allowed on this property.

It appears there are ample opportunities to remove existing impervious surfaces on the property such that there will be no net impervious surface increase as a result of the proposed project. Therefore, this office recommends that if the variance request is approved, the variance be conditioned on the applicant's removal of existing impervious surface areas equal to the area of the newly created

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Ms. Cotter
May 15, 2008
Page Two

impervious surfaces proposed by this project. If future redevelopment of the property will require an increase in impervious surface area, the use of growth allocation would be appropriate.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber', with a stylized flourish at the end.

Amber Widmayer
Natural Resources Planner

cc: AA 235-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 25, 2008

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 08-3494 White, Richard and Letitia

Dear Ms. Whitt:

Thank you for providing revised plans and information regarding the above mentioned variance request. The applicant seeks a variance to permit disturbance within the expanded Buffer and to slopes greater than 15% in order to remove an existing two story dwelling with a footprint of at least 1,900 square feet, and to construct a new single family dwelling with a footprint greater than 3,800 square feet. Additionally, the applicant proposes to construct a driveway, an 875 square foot garage, and three decks which amount to 1,700 square feet in size. The 2.76 acre property is currently developed with a dwelling, driveway, three concrete patios, a deck, walkways, a pier, boathouse and pool and it is classified as a Limited Development Area (LDA).

This office is submitting a second letter to be considered along with the Commission's previous December 18, 2007 letter. The applicant has submitted a revised plan and information in response to this office's above mentioned letter. However, in addition to not meeting all the variance standards as my previous letter explains, the only minimization of proposed impacts within the expanded Buffer and steep slopes shown is the relocation of the proposed driveway. While we note that the applicant states that the proposed clearing has been reduced from 10,058 square feet to 3,743 square feet, it is unclear how this is achieved and whether it is a reduction to impacts for which the variance is required.

There are several ways in which the applicant could have minimized the extent of the proposed impacts to the expanded Buffer and steep slopes, but has not. The applicant has not modified the plan to make use of clear level areas on the property that are not constrained by the expanded Buffer. The applicant has not minimized the footprint of new disturbance by building within the footprint of the existing house to be removed. The applicant has shown no attempt to reduce the size of the proposed dwelling to minimize the excessive extent of new disturbance within the expanded Buffer. The applicant has not removed any of the three proposed decks from the plan,

Ms. Whitt
March 25, 2008
Page 2 of 2

including the bridge-like deck that extends 60 feet from the dwelling, entirely within steep slopes and the expanded Buffer. While this office recognizes a property owner's right to reasonably redevelop property within the Critical Area, where variances are required to do so, the property owner's personal preferences for a dwelling of a certain size or configuration must yield to accommodate the property's legally protected sensitive environmental features. The dwelling should be configured to avoid new disturbance to the environmental features on the site as opposed to altering the site to accommodate a dwelling of a specific configuration.

As described in my last letter, the applicant has not met all of the variance standards as required, and in particular, the applicant has not shown that the requested variance is the minimum necessary. Further, the applicant currently enjoys reasonable and significant use of the property as the property is already extensively developed with a dwelling and other structures as described above. Given that the applicant has not met the variance standards, nor shown a serious attempt to make use of the existing development footprint or to reduce the proposed footprint of new disturbance within the expanded Buffer and steep slopes, the applicant's variance request should be denied. If the applicant submits a revised variance request, the applicant bears the burden to demonstrate that opportunities for development outside of the expanded Buffer and steep slopes, and areas that are already disturbed with existing development, have been maximized before requesting a variance to significantly encroach into the unaltered and legally protected slopes and expanded Buffer.

In conclusion and summary, the County and State law provide that in order to grant a variance, the applicant must demonstrate, and the Board must find that each and every variance standard has been met. The applicant in this case has failed to meet all of the County standards. Therefore, we recommend that the Board deny this variance.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resource Planner
CA 711-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 25, 2008

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: McConnell, Variance 04-3078

Dear Ms Whitt:

Thank you for providing information regarding the above mentioned variance request. The applicant seeks a variance to permit disturbance within slopes greater than 15% and clearing more than 6,000 square feet and greater than 30% of the existing forested area on the property for construction of a dwelling and driveway. The 10,000 square foot property is currently undeveloped and it is classified as a Limited Development Area (LDA).

While this office recognizes a property owner's right to develop a grandfathered lot with a dwelling within the Critical Area, Calvert County's variance standards require that the requested variance be the minimum necessary to afford relief from the regulations. It does not appear that the applicant has shown minimization of the proposed impacts to the slopes greater than 15% and the existing forested area and it appears that the applicant can make adjustments to the plan that would minimize these impacts. This office reviewed and provided comments on a similar plan for development of this property in June of 2004 and recommended that the applicant make such adjustments. It does not appear that those recommendations have been addressed by the applicant in the current plan. Accordingly, this office cannot support granting the requested variances unless the applicant shows an attempt to site the dwelling, driveway and other structures on the property in a way that minimizes the extent of the proposed impacts.

Examples of ways in which the applicant can show minimization of the proposed construction impacts to the sensitive environmental features on the property are described below:

- There is a portion of the property that is shown on the current plans as cleared. It is unclear when this clearing was done, since when this office last reviewed similar plans for this property in 2004, the applicant's materials indicated that all 10,000 square feet of the property were forested. The applicant should clarify why there is a discrepancy between the previous and current applications with reference to the existing and proposed clearing calculations. Additionally, this office recommends that the proposed

development be located in the already cleared area to the extent possible in order to minimize the extent of further clearing that is necessary for development of this property. Also, it appears that the dwelling could be located closer to the road in order to minimize the length of the proposed driveway and to provide for less forest clearing to the rear of the dwelling.

- The proposed limit of disturbance (LOD) for clearing and construction includes the entire property. It does not appear that this is necessary for development of a dwelling. The applicant should show an attempt to cluster disturbances and reduce the size of the proposed dwelling, driveway and septic area, or provide an explanation for why such consolidation and size reduction of the proposed structures cannot be accomplished. Because the proposed clearing is greater than 30% of the property area, the applicant must provide mitigation at a ratio of 3:1 for the total area that is cleared. Further, according to the applicant's current clearing calculations, 441 square feet of the existing 7,748 square feet of tree cover will remain. Please have the applicant clarify where the 441 square feet of tree cover will be located, since it appears that the entire property will be cleared based on the LOD.
- The entire property appears to be within the mapped habitat of the federally listed endangered tiger beetle. For this reason, it is imperative that the applicant minimize the proposed clearing and disturbance to steep slopes on the property. In particular, this office recommends that the applicant maximize the width of the forested area to remain between the proposed development and the property boundary that is closest to the shoreline in order to provide some filter to the resulting stormwater runoff from the development.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resource Planner
cc: CA 424-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 26, 2008

Ms. Roxana Whitt
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Variance 08-3512, Sanguinetti

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance for disturbance within the 100-foot Buffer to construct a 144 square foot porch addition. The 10,297 square foot property is designated a Limited Development Area (LDA) and is currently developed with a dwelling, driveway, shed, porch and deck.

While this office does not always oppose variance requests for reasonable expansion of an existing dwelling on a grandfathered lot, each variance request must be considered separately within the context of each property's existing uses and each property's unique environmental features. This property is heavily constrained by sensitive environmental features and the owner already enjoys reasonable use of the entire property since it is developed with a dwelling, driveway, deck, porch and shed. This property is situated on a thin strip of land between two tidal bodies of water, such that the majority of the lot is within the 100-foot Buffer to these water bodies from the west, south and the east. Consequently, with the exception of the portion of the property to the north of the existing house which is already developed with a shed, there is no place on the property where an additional structure could be located without creating further waterward disturbance in the already compromised 100-foot Buffer. Additionally, it appears that the property is within the mapped habitat of the Federally listed endangered tiger beetle. As described above, there is no place on the property where the proposed addition could be located such that disturbance of this habitat could be minimized by preventing additional disturbance and stormwater runoff in the direction of the shoreline.

Given the extremely sensitive environmental characteristics of the property and that the existing development on the lot provides reasonable and significant use of the entire property, this office recommends that the requested variance be denied.

Disturbance from Clearing, Grading and Structures in the 100-foot Buffer

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted only if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards. Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Board of Appeals must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

The applicant has not met each one of Calvert County's variance standards, and in particular, the applicant has not met the standards included and discussed below.

Relevant Variance Standards

11-1.01.B.6.c-the variance is the minimum adjustment necessary to afford relief from the regulations

The requested variance for construction of a porch addition is not necessary for the applicant to gain relief from the regulations because the applicant already has a porch.

11-1.01.B.6.d-special conditions or circumstances exist that are peculiar to the land or structure within Calvert County and that a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship

Denial of the variance necessary for constructing a porch addition in the Buffer will not create an unwarranted hardship for the applicant, because this term has been defined by the General Assembly to mean reasonable and significant use of the entire parcel or lot. The property is already developed with a dwelling, deck, porch, shed and driveway and the applicant's inability to construct the porch addition does not interfere with the applicant's reasonable and significant use of the entire parcel or lot.

11-1.01.B.6.e-a literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County

A literal interpretation of Calvert County's regulation of development in the Buffer will not deprive the applicant of a right commonly enjoyed by other properties in similar areas, because it does not even deny this property of the right at issue. The property is already developed with a porch, and therefore, the applicant is not being denied the right to have a porch. The applicant

Ms. Whitt
March 26, 2008
Page 3 of 3

has not shown that the ability to expand an existing porch is a right commonly enjoyed by properties in their area.

11-1.01B.6.h-the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law.

In contrast with the above standard, granting the requested variances is not in harmony with the general spirit and intent of the Critical Area law and regulations. Further development of the property in such close proximity to tidal waters will create harmful disturbance of soils in the Federally protected tiger beetle habitat and prevents establishment of a vegetated Buffer in an area where vegetation would otherwise provide benefits to fish, wildlife, and plant habitat. The County law recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual impacts of development on the Bay.

Because the proposed variance would create further disturbance of an already developed property in a particularly environmentally fragile location and because the applicant can not meet each one of Calvert County's variance standards, it is this office's position that the Board should deny the variance request.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
CA 132-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 26, 2008

Mr. Jimmy Sharp
Wicomico County
Department of Planning, Zoning, and Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: The Meadows at Barren Creek

Dear Mr. Sharp:

Thank you for forwarding the above mentioned subdivision application. The project is for the subdivision of an existing 14.03 acre parcel into 12 residential lots with construction of a single family dwelling, driveway and septic system on each lot. It appears that the majority of the 7.34 acres of the property that are within the Critical Area are designated as a Resource Conservation Area (RCA) and it appears that a small portion of this area is designated as a Limited Development Area (LDA). I have outlined my comments below:

1. The property does not have the requisite acreage for development of more than one dwelling unit in the RCA, unless the applicant receives growth allocation from the County and the Critical Area Commission for the proposed project. The applicant's materials indicate that this subdivision is a growth allocation application. However, it is unclear whether the applicant plans to make a formal application to the County for the required growth allocation. If making such an application is the applicant's intent, the applicant must go through the growth allocation process that is outlined in the County's Code in §§ 125-29 through 125-34. This office notes that the materials we have received at this point are not considered a formal application and a formal review of a growth allocation request by this office will not be triggered until the Wicomico County Planning and Zoning Commission has officially approved the use of the necessary growth allocation acreage for the project.
2. According to Maryland Department of Natural Resources Wildlife and Heritage Service's (WHS) letter, the forested area on the property contains forest interior dwelling birds (FIDs) habitat. While we note that the applicant states that this area will be placed in a forest conservation easement, please also have the applicant include a note on the plat and plans that identifies the FIDs habitat on the site for future reference.
3. The applicant states that a 2006 WHS review letter indicated the possible presence of three rare and endangered plant species on the property. It is unclear whether the applicant

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performed a survey of the property for those species. If not, we recommend that a survey be performed and that any necessary measures for protection of the species be incorporated into the plans. Also, please have the applicant request and submit a current WHS review letter.

4. Please have the applicant map the Buffer on the property based on a field delineated tidal and nontidal wetland survey. The 100-foot Buffer should be measured from the edge of the stream that borders the northern boundary of the property, and the Buffer should be expanded where it is contiguous to hydric soils and slopes greater than 15%. On this property, it appears that this expansion will encompass the nontidal wetlands and any slopes that are contiguous to the nontidal wetland. As indicated in the County's Code § 125-10.C.1, the Buffer should be expanded four feet for every percent of slope or to the top of the slope, whichever is greater.
5. We recommend that the proposed lot lines be drawn outside of the expanded Buffer in order to avoid future encroachment into this area by future property owners. We note that the applicant will have to seek and obtain a variance for any proposed disturbance on lots within the 100-foot and expanded Buffer, including proposed grading, clearing and building footprints, and this office will not support variances that are required for the development of newly created non-grandfathered lots.
6. This office is concerned that the proposed impervious surface area is exactly 15%. We recommend this be reduced since approval of new subdivisions that propose the maximum impervious area upfront since it will prevent future lot owners from making impervious area property enhancements in the future. It is this office's position that future disturbance to newly created lots should not require variances to the County's Critical Area Program. Therefore, the applicant should adjust the proposed impervious area to allow for lot owners to make reasonable impervious area enhancements in the future.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: WI 528-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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MEMORANDUM

To: Linda C. Janey, J.D.
Assistant Secretary for Clearinghouse Communications

From: Amber Widmayer *AW*

Date: March 26, 2008

RE: MD20080204-0072 Lease for National Sailing Hall of Fame, MD DNR,
City of Annapolis

This office has received the Clearinghouse review notice for the above referenced project. The notice states that the purpose of the project is to lease +/- 4,740 square feet of land owned by DNR and the existing structure for use by the National Sailing Hall of Fame. The applicant's submitted materials also describe intentions to acquire adjacent parcels, demolish the existing structure and construct a new structure. It appears that the proposed project site is located entirely within the Critical Area and is considered an area that is intensely developed based on the existing development on the site. Also, based on the property's existing development and adjacency to properties that are within a City mapped Buffer Exemption Area (BEA), it appears that our office may consider this property as Buffer Exempt.

While it does not appear that there are any site plans at this stage for this office to review, if any redevelopment of the above mentioned site is planned, the applicant must submit the 10% pollutant reduction calculations and show how it will address the pollutant reduction requirement for the site. The worksheets that are necessary for completing these calculations can be found on the Commission's website at the following link:

http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html

The project site may also qualify for review as though it were mapped as being within the Buffer Exemption Area and accordingly the applicant may have to address the Buffer Exemption Area requirements for any disturbance within the 100-foot Buffer. These requirements include providing mitigation plantings at a 2:1 ratio for the total area of disturbance within the Buffer from grading, clearing or new footprints from structures or impervious areas, as well as providing at least a 25-foot setback and vegetated bufferyard to the extent feasible on the site.

We note that the proposed activities qualify under COMAR 27.02 as a State agency action resulting in development on State-owned lands. As such, the project will require formal review by the Commission. We recommend that the project implementation be coordinated with both

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DNR and Commission staff early in the planning process to make sure that any Critical Area issues are adequately addressed at both the State and local levels. Thank you for the opportunity to review this proposal. If you have any questions, please call me at 410-260-3481.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 27, 2008

Ms. Angela Willis
Project Planning Division
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: Project No. AA478A21
US 50/301 at 109 South Winchester
Road Channel Stabilization
Anne Arundel County

Dear Ms. Willis:

Thank you for forwarding the plans for the above mentioned project. The purpose of the project is to repair severe slope erosion in an existing drainage ditch on the south side of South Winchester Road by replacing the existing riprap in the ditch and constructing a release flow. The project site is within the Critical Area and is designated as a Limited Development Area (LDA).

This office has determined that the proposed project is eligible for general approval under the 2003 Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (MOU), because the project meets the general conditions for general approval as well as the definition of a maintenance project under the MOU. Mitigation plantings must be provided at a 1:1 ratio if any clearing will be required for the project. Also, while we note that the project will not create any new disturbance in the 100-foot Buffer, the Buffer as it is shown on the plans does not completely encompass the nontidal wetland, and the plans should be adjusted accordingly.

Please note that should any changes to the site plan be proposed in the future, additional review will be required. Should you have any questions, please feel free to contact me at 410-260-3481.

Ms. Willis
March 27, 2008
Page 2 of 2

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber', with a stylized flourish at the end.

Amber Widmayer
Natural Resources Planner
cc: 15-07 DOT-SHA

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 27, 2008

Mr. Bill Love
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Carlow, Charles
S 06-032, P 06-135

Dear Mr. Love:

Thank you for forwarding the above-referenced revised subdivision application. The applicant proposes to subdivide an existing parcel into two lots, and to construct a dwelling on one of the parcels. The property is designated as a Limited Development Area (LDA) and as a Resource Conservation Area (RCA). It appears that the applicant has addressed this office's comments from my January 10, 2008 letter. I have included my remaining comment below.

- 1) The proposed impervious surface area shown on the portion of the proposed subdivision that is within the Critical Area is at the 15% limit. Therefore, we recommend that the applicant include notations on the plat and plans that no additional impervious surfaces are allowed on lot 1 or lot 2 to provide future property owners with notice of this fact. This office would not support future variance requests to exceed the 15% impervious surface area limit.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner
cc: AA 753-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 27, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: USNA Demolition of Building NA256- Greenbury Point
Anne Arundel County

Dear Mr. Ghigiarelli:

This office has received the above-referenced project for review and comment. The project proposes the demolition and removal of an existing building, as well as the removal of fencing and utilities in close proximity to the building. The entire project site is in the Critical Area, it is not in the 100-foot Buffer, and it is considered an area that is not intensely developed.

Commission staff have reviewed the application materials. It appears that the required sediment control practices will be implemented. While we note that four trees will be removed in conjunction with this demolition project, it appears that this clearing has already been accounted for when calculating the clearing mitigation requirements for the development of the athletic facility. If these four trees were not already included in the athletic facility's mitigation requirements, they should be replaced at a 1:1 ratio.

Based on our review of this project, Commission staff finds this application to be consistent with the goals and objectives of the Critical Area Law and Criteria.

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3481.

Mr. Ghigiarelli
March 27, 2008
Page Two

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber', with a stylized flourish at the end.

Amber Widmayer
Natural Resources Planner

cc: FED 8-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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April 3, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Suit- MSD-06-34-32-Intrafamily Transfer

Dear Ms Vidotto:

Thank you for providing revised information regarding the above referenced proposed intrafamily transfer subdivision. The applicant proposes to create three new lots in the Critical Area with two residue parcels from an existing parcel. The property consists of two non-contiguous sections within one existing parcel with 37.02 acres that are within the Critical Area. The property within the Critical Area is designated as a Resource Conservation Area (RCA). I have provided my comments below:

- 1) The property does not contain the requisite acreage within the RCA to support the proposed number of new lots and residue parcels. New lots in the RCA must be associated with at least 20 acres unless they are created in conformance with the intrafamily transfer provisions of Calvert County's Code. 8-1.05.H.2.a of the County's Code provides that, "a parcel that is 12 acres or more and less than 60 acres in size may be subdivided into three lots. Two of the lots may be intrafamily transfer lots and shall be recorded as such." Currently, parcel 6 is already segmented into two potentially developable sections and therefore, only one additional lot that is smaller than 20 acres is allowed. Therefore, the number and configuration of the proposed lots and parcels must be revised as described in the following comments:
 - Proposed lot 4 is 17.024 acres which is less than the 20 acre minimum that is required for creation of new lots in the RCA. Therefore, the applicant should either reconfigure the proposed lot lines so that the lot is at least 20 acres or is associated with a combination of lot area and permanently protected area that equals 20 acres. Otherwise, this lot must be identified and counted as an intrafamily transfer lot.
 - While the applicant has identified proposed lot 1 as being outside of the Critical Area, the lot lines are shown within the Critical Area. Unless the proposed lot is reconfigured so that the lot lines are not within the Critical Area, this lot cannot be platted without the requisite 20 acres of lot area and permanently protected area or without counting the lot as an intrafamily transfer lot.

- The two proposed residues will create two further nonconforming parcels within the RCA that are potentially developable in the future. The proposed residue parcels should either be counted toward the total number of lots allowed under the County's intrafamily transfer provisions, or the residue areas should be placed in protective easement to guarantee that no development rights will be associated with these residue areas in the future. If the applicant were to place the proposed residues under such protections, the acreage within the two residues could be counted towards meeting the minimum 20 acres required for creation of other proposed lots.
- 2) This office notes that there is an existing dwelling on proposed lot 3 within the Buffer. If the property is redeveloped in the future and a new dwelling is constructed, the new dwelling should be located outside of the Buffer. Newly created lots in the Critical Area should be configured such that no variances will be required for future development. Because it appears that there is ample space on the proposed lot outside of the Buffer for redevelopment, this office will not support future variances to construct a new dwelling in the Buffer. Accordingly, we recommend that the applicant include a notation on the plat to this effect.
- 3) Calvert County Critical Area program's intrafamily transfer provision 8-1.05.H.3 states that, "An intrafamily transfer lot may only be created for an immediate family member and that family member shall be identified on the subdivision preliminary and final plats." Therefore, please have the applicant provide this information on the plat and plans.
- 4) Please have the applicant include a plat notation stating that future development of the lots within the RCA must be done in accordance with the 15% impervious surface limit, the minimum 15% afforestation requirement, and forest clearing and mitigation requirements.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resource Planner
CA 424-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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April 4, 2008

Mr. Jimmy Sharp
Wicomico County
Department of Planning, Zoning, and Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: Waterview Hotel Scrap Tire Removal

Dear Mr. Sharp:

Thank you for forwarding the consistency report for the above mentioned proposed project per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The project is an environmental restoration of the Waterview Hotel property by removal of scrap tires along the shoreline, placement of three temporary stock pile areas, and maintenance and repair of existing shore erosion control structures on the property. The property is within the Critical Area and is designated as a Resource Conservation Area (RCA).

While the project proposes disturbance within a 0.55 acre portion of the property within the Critical Area 100-foot Buffer, it appears that this disturbance is temporary and for the purpose of providing an environmentally improved condition to the Buffer on the site. Provided the applicant removes and restores the areas within the Buffer that will be temporarily disturbed for the stockpile areas and stabilized construction entrance, it appears that the proposed project is consistent with Wicomico County's Critical Area program and will require no further Commission review or action.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: MES 6-08
James Woods

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Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



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April 4, 2008

Mr. Bruce M. Grey
Office of Planning and Preliminary Engineering
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: Project No. WI325A21
US 13 Business-Phases 2 & 5
Drainage Improvements
Wicomico County

Dear Mr. Grey:

Thank you for forwarding the plans for the above mentioned project. The purpose of the project is to improve drainage and alleviate annual flooding along the US 13 Business corridor by replacing existing storm drain outfall pipes with pipes of sufficient capacity. The project site is within the Critical Area and because it is within the existing State right of way is designated as an Intensely Developed Area (IDA).

This office has determined that the proposed project may be eligible for general approval under the 2003 Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (MOU), because the project meets the general conditions for general approval as well as the definition of a minor project under the MOU. In order for this office to provide a determination that the project is eligible for general approval as a minor project under the MOU, mitigation plantings must be provided at a 3:1 ratio for any disturbance from grading, clearing or the footprint of new structures within the 100-foot Buffer, and a 10% reduction of pollutants from the project site must be achieved. Once this office receives and reviews plans from the applicant showing that the Buffer mitigation and the 10% pollutant reduction requirement will be adequately addressed, this office will provide written confirmation that the project is eligible for general approval.

Please note that should any changes to the site plan be proposed in the future, additional review

Mr. Bruce M. Grey
April 4, 2008
Page 2 of 2

will be required. Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: 5-07 DOT-SHA
6-07 DOT-SHA
Daniel Reagle, SHA-PPD

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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April 4, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Mike's Crab House
C 07-0002, G 2012610

Dear Mr. Burke:

Thank you for forwarding revised site plans for the above referenced project. The project is to relocate a portion of an existing roadway and to repave and abandon portions of the existing roadways. In addition, it appears that grading of the site is proposed in order to accommodate the installation of stormwater management measures. The property is partially designated as an Intensely Developed Area (IDA) and partially as a Limited Development Area (LDA). Currently, two existing commercial restaurants exist on the property. The applicant has responded to this office's comments in my October 9, 2007 letter. I have provided further comments below.

- 1) In previous letters from this office, Commission staff have noted that this application is being submitted under the assumption that a Critical Area reclassification of the LDA portion of the property can be reclassified to IDA. This reclassification request has not been accepted by the Commission for processing and therefore our comments are provided in the context of the theoretical situation that is shown on the plan. We continue to assert that final approval of the site and development plan should not be granted until the requested reclassification is approved by the Commission.
- 2) As requested, the applicant has submitted revised 10% calculations. We note that on sheet 4 of the plans, the applicant has included specifications for a stone infiltration trench, yet this infiltration trench is not listed on the 10% worksheet as a proposed BMP. Please have the applicant clarify whether the infiltration trench

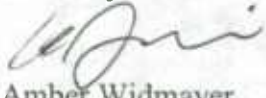
Mr. Burke
April 4, 2008
Page Two

will be used in addition to the "Aqua-swirl" device that is included on the 10% worksheet.

- 3) The applicant indicates that the proposed "Aqua-swirl" device has an efficiency rate of 25% and that this type of inlet device has been certified by the Maryland Department of the Environment (MDE). Please have the applicant submit information regarding the MDE certification of the proposed device as well as stormwater computations which demonstrate how the device manages water quality and quantity concerns.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 13-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS

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April 4, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Wallace Manor Lot G-1
S 97-029, P 07-0208

Dear Mr. Burke:

Thank you for forwarding revised materials for the above-referenced subdivision application. The applicant proposes to re-subdivide an existing lot into two lots and to construct a new dwelling and driveway. The 4.54 acre property is designated as a Limited Development Area (LDA) and is currently developed with a dwelling and driveway which will remain. I have reviewed the application and have provided my comments below.

1. COMAR 27.01.02.04.C(3)(c) requires that an area equal to 80% of the existing forested area be "maintained through recorded, restrictive covenants or similar instruments." We note that the plans show that 49,444 square feet of the existing forested area on the property will be placed in a conservation easement for stormwater management. However, 80% of the existing 166,720 square feet of forested area on the property equals 133,376 square feet. Therefore, the applicant should place an additional 83,932 square feet of the existing forested area in a permanently protected easement in order to meet the requirement.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: AA 719-07

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April 4, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Rowel-Stansbury Property
S 07-039, P 07-0190

Dear Mr. Burke:

Thank you for forwarding the revised information for the above-referenced subdivision application. The applicant proposes to subdivide two existing parcels into two lots and one bulk parcel. The property is currently developed with two dwellings and the applicant states that no new construction is proposed. 5.99 acres of the property are designated as a Limited Development Area (LDA), 0.14 acres of the property are designated as a Resource Conservation Area (RCA) and the remaining 0.53 acres of the property are outside of the Critical Area. I have outlined my comments below.

1. As requested, the applicant has included impervious surface and forest clearing calculations on the plans. However, it appears that there are several math errors in these calculations. These are described below:
 - The allowable impervious surface area for proposed lot 1 is 25% of the 34,485 square foot Critical Area portion of the proposed lot, which equals 8,621.25 square feet, instead of 11,068 square feet as is currently indicated in the impervious area table.
 - The total impervious surface area allowed for the proposed subdivision is calculated by multiplying the acreage on the property that is within the Critical Area by 15%. This number equals 40,076.7 square feet, instead of 43,326 square feet as indicated in the impervious area table.
 - It is unclear what the numbers listed in the "total" row of the impervious area table are meant to represent. Under the total impervious area column, 5,041 square feet plus 4,743 square feet equals 9,784 square feet, instead of 33,493 square feet as is indicated in the table. The calculations in the other columns are also incorrect. Please have the applicant make the necessary corrections.
 - Please confirm that the calculations provided in the woodland clearing table represent the existing forested area within the Critical Area portion of the proposed lots. If not, please have the applicant provide this information.

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2. While the property does not directly front the nearby tidal waters, the 100-foot Buffer to these tidal waters does fall on the northern edge of the property. Additionally, this 100-foot Buffer is contiguous to slopes greater than 15% on the property and under Anne Arundel County's Critical Area program § 18-13-104(a), "the 100-foot Buffer shall be expanded beyond 100 feet to include contiguous sensitive areas, such as slopes of 15% or greater and hydric soils or highly erodible soils." Please have the applicant map the expanded Buffer on the plans as required by the County Code. On this property, it appears that this expansion will include all of the contiguous slopes greater than 15% plus 50 feet from the top of the slopes. The expansion may also include any hydric or highly erodible soils that extend beyond the slopes.
3. We note that the applicant has indicated a preference to refrain from placing the existing forest interior dwelling birds (FIDs) habitat and slopes greater than 15% in a conservation easement because no development of the proposed bulk parcel is planned at this time. While this office understands that a bulk parcel is not technically developable without further County review, if the parcel is approved and platted through this subdivision application, this will create the potential for future development of a portion of the property that is extensively constrained by environmentally sensitive and legally protected features, with greater intensity than would be allowed in the absence of this subdivision. It appears that future development of this parcel is intended and that variances would be necessary in order to develop the parcel. The County should not approve the creation of new parcels on which future development may require variances for disturbance of legally protected environmental features. Therefore, this office recommends that the subdivision not be approved with the creation of the bulk parcel as proposed. Alternatively, the applicant may choose to place the expanded Buffer, steep slopes and FIDs habitat within the proposed bulk parcel in a conservation easement to guarantee that no variances will be granted to disturb these areas if future development of the bulk parcel is proposed.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 632-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Executive Director

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April 8, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hidden Creek, formerly Brockmeyer Prop.
S 07-019, P 07-0128

Dear Mr. Burke:

Thank you for forwarding the above-referenced subdivision application. The applicant proposes to subdivide an existing parcel into five new lots with construction of a single family dwelling and driveway on each lot. The 4.14 acre parcel is entirely within the Critical Area, is designated as a Limited Development Area (LDA) and is currently undeveloped. The applicant has addressed this office's previous comments from my December 10, 2007 letter and I have no remaining comments at this time.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: AA 358-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Ren Serey
Executive Director

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April 8, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: River Glen
S 07-019, P 07-0128

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced subdivision application. The applicant proposes to subdivide an existing 13.10 acre parcel into eight new lots with construction of a single family dwelling and driveway on each lot. It appears that 3.24 acres of the property are within the Critical Area with 0.39 acres designated as Resource Conservation Area (RCA) and 2.85 acres designated as Limited Development Area (LDA). I have outlined my comments below:

- 1) Many of the Critical Area calculations provided in the submitted materials are inconsistent. Please have the applicant clarify the correct acreage for LDA and RCA within the property, the existing forested area within the Critical Area, the proposed clearing within the Critical Area, and the total proposed impervious surface area within the Critical Area.
- 2) It appears that more than 20% of the existing forested area within the Critical Area will be cleared and that there is room on the site to provide clearing mitigation plantings. For example, it appears that there is an opening in the RCA portion of the property where plantings could be located. The applicant should provide a plan showing that an area equal to 80% of the existing forested is placed in a conservation easement, as required by COMAR 27.01.02.04.C(3)(c). Also, the applicant should show where mitigation plantings will be provided on the site, and whether any plantings will be addressed by fee in lieu.

Mr. Burke
April 8, 2008
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA 147-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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April 8, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Key School Site Plan
C 08-0026, G 02010338

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced proposed site plan. The applicant proposes to construct an addition and renovate an existing building, and to replace and reduce the size of existing walkways. 8.85 acres of the property are within the Critical Area and are designated as a Limited Development Area (LDA). The property is currently developed with several school buildings and other structures.

It appears that the applicant has addressed all of the LDA development requirements. As a result of the proposed removal of existing walkways, the property will meet the 15% impervious surface area limit. There is no clearing of existing forested area proposed with this project, and the property meets the 15% minimum tree cover requirement. Therefore, I have no comments on the proposed site plan at this time.

Thank you for the opportunity to comment on this project. Please feel free to call me at (410) 260-3481 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber Widmayer'.

Amber Widmayer
Natural Resources Planner
cc: AA 180-08

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April 10, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Towns of Old Stage
Modification #9904, P 08-0055, S 04-103

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the requested modification.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

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